STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2008-7001

AN ORDINANCE AUTHORIZING
ADMINISTRATIVE ADJUDICATION OF ORDINANCE VIOLATIONS

WHEREAS, the County of Ogle is authorized pursuant to establish a Code Hearing Unit pursuant to 55 ILCS 5/5-41005 having the power and authority to conduct administrative adjudication proceedings for the County, its Departments, and its Officers and to enforce provisions of the County Code; and

WHEREAS, the County of Ogle desires to provide a system for the fair and efficient enforcement of County ordinances regulating animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal and transportation of garbage, refuse, and other forms of solid waste; sanitation practices and zoning as allowed by law and directed by ordinance, through an administrative adjudication of violations of such County ordinances and establishing authority and procedures for collection of unpaid fines and penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, that the attached "Ordinance Authorizing the Civil Adjudication of Ordinance Violations" shall be in full force and effect immediately upon its adoption.

PASSED BY THE COUNTY BOARD THIS 15 DAY OF July 2008 A.D.

W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

ORDINANCE AUTHORIZING
ADMINISTRATIVE ADJUDICATION OF ORDINANCE VIOLATIONS

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A. ***Code Hearing Unit – Establishment; Purpose.***

There is hereby created and established a Code Hearing Unit as a separate agency in the Ogle County Government structure, as authorized by the Counties Code, 55 ILCS 5/5-41, and all amendments thereto, which shall be known as the "Ogle County Code Hearing Unit." The Hearing Unit shall have the power to conduct administrative adjudication proceedings for the County, its departments, and its Officers and to enforce provisions of the Ogle County Code. The establishment of the Code Hearing Unit does not preclude the County of Ogle from using other methods to enforce the provisions of the Ogle County Code.

The stated purpose of this Chapter is to provide for fair and efficient enforcement of applicable and authorized County ordinances; the definition, identification, and abatement of public nuisances; the accumulation, disposal and transportation of garbage, refuse, and other forms of solid waste; sanitation practices and zoning as allowed by law and directed by ordinance, through an administrative adjudication of violations of such County ordinances and establishing authority and procedures for collection of unpaid fines and penalties.

B. ***Code Hearing Unit – Jurisdiction.***

The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of the Ogle County Code, except those pre-empted by State law or County Ordinance.

C. ***Combined Code Hearing Unit Authorized.***

The Code Hearing Unit may be combined with any adjacent unit of local government to create a combined Code Hearing Unit for the efficient and just adjudication of all ordinance violation cases for the various units of local government.

D. ***Hearing Officers – Appointment.***

The Chairman of the County Board, with the advice and consent of the County Board, shall appoint one or more Hearing Officers who shall report to the Executive Committee of the Ogle County Board. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer. The Director of the Code Hearing Unit shall be designated by the Count Board Chairman, and shall have the power to create and amend regulations for the fair and efficient conduct of administrative hearings pursuant to Section F.

E. ***Order and Other Pleading Forms.***

The Planning & Zoning Administrator, Animal Control Department Administrator, Director of the Solid Waste Management Department, and the Administrator of the Health Department shall have the authority to create and require the use of preprinted order and related pleading forms in the hearing process.

F. ***Hearing Officers – Powers and Duties.***

Hearing Officers shall have the following powers:

a. All powers authorized by 55 ILCS 5/5-41005, et seq. now in effect or as hereafter amended including, but not necessarily limited to the following:

1. To preside at administrative hearings called to determine whether a code violation exists;

2. To hear testimony and accept evidence from the code enforcement officer, the respondent, and all interested parties relevant to the existence of a code violation;

3. To preserve and authenticate the record of the hearing and all the exhibits and evidence introduced at the hearing;

4. To issue and sign written findings and a decision and order stating whether a code violation exists; and

5. To impose penalties consistent with applicable code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the hearing officer have the authority to impose a penalty of incarceration.

b. Hold conferences for the settlement or simplification of issues;

c. Administer oaths and affirmations;

d. Rule upon motions, objections and the admissibility of evidence;

e. Subject to the provisions of this chapter, subpoena relevant witnesses and the production of relevant documents, records or other information;

f. Exercise all powers and duties necessary and proper to the administration of fair hearings.

G. ***Hearing Officer - Training Requirements***

Prior to conducting an administrative adjudication proceeding, a Hearing Officer may be required to complete a training program, which may include the following:

a. Instruction on the Ogle County Regulations for Conduct of Administrative Hearings;

b. Orientation to each subject area of the code violations which the Hearing Officer will adjudicate;

c. Observation of Ogle County or another unit of local government's administrative hearings; and

d. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

H. ***Rules and Regulations – Available for Public Inspection.***

The rules and regulations promulgated for the conduct of administrative hearings shall be printed and kept on file in the office of the County Clerk where they shall be available to the public for inspection and copying during normal business hours.

I. ***Initiating Administrative Adjudication Proceedings.***

Code Enforcement Officers of the County may initiate administrative adjudication proceedings with the Code Hearing Unit by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served pursuant to Section M., to the Code Hearing Unit.

a. When a code enforcement officer observes a code violation, the officer shall note the violation on a violation notice and report form, indicating the following: the name and address of the respondent, if known; the type and nature of the violation; the date and

time the violation was observed; the names of witnesses to the violation; the address of the location or property where the violation is observed; and the tax identification number of the subject parcel of land.

b. The violation notice and report form shall contain a file number and a hearing date noted by the code enforcement officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in a determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable county ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County. (See 55 ILCS 5/5-41020)

J. ***Subpoenas.*** [*See* 55 ILCS 5/5-41025(a)]

a. Hearing Officer may issue a subpoena only if the Hearing Officer determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

1. Relevant to the case; and

2. Relates to a contested issue in the case.

b. A subpoena issued under this chapter shall identify:

1. The person to whom it is directed;

2. The documents or other items sought by the subpoena, if any;

3. The date for appearance of the witnesses and the production of the documents or other items described in the subpoena;

4. The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena;

5. The place for the appearance of the witnesses and the production of the documents or other items described in the subpoena;

c. In no event shall the date identified for the appearance of the witnesses or the production of the documents or other items be less than seven (7) days after the service of the subpoena.

K. ***Election of Remedies.***

In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for an alleged violation of the County Code where the requested remedy is a punishment of imprisonment. Nothing in this chapter, however, shall preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of a Hearing Officer.

L. ***Administrative Hearing Not Exclusive.***

Notwithstanding any other provisions of this chapter, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the initiation of such procedures under this chapter shall preclude the County from seeking remedies for code violations through the use of any other administrative procedures or court proceeding.

M. ***Notice.***

Notice shall be as provided by State law. A copy of the violation notice and report form shall be served on the respondent either personally or by first class mail, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than 20 days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found. [*See, e. g.,* 55 ILCS 5/5-41020(c)]

N. ***Administrative Hearings.***

a. Any administrative proceeding conducted by the office of administrative adjudication shall afford the parties an opportunity for a hearing before an administrative law officer.

b. An attorney who appears on behalf of any person shall file with the Hearing Officer a written appearance on a form provided by the Code Hearing Unit for that purpose.

c. The case for the County may be presented by the Code Enforcement Officer or by the State's Attorney. In no event shall the case for the County be presented by an employee of the Code Hearing Unit; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department or office of the County, may be presented at the hearing by the Hearing Officer.

d. The Hearing Officer may grant continuances only upon a finding of good cause.

e. All testimony shall be given under oath or affirmation.

f. The Hearing Officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and production of relevant documents. Issuance of subpoenas shall be subject to the restrictions contained in this chapter.

g. The formal and technical rules of evidence shall not apply to the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

h. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with 55 ILCS 5/5-41035 (or succeeding State law) shall be prima facie evidence of the correctness of the facts contained therein.

i. Upon timely request of any party to a proceeding, any person, who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

j. The record of all hearings before a Hearing Officer shall include:

1. All documents presented at the Hearing;

2. A copy of the notice of the violation or notice of the hearing; and

3. A copy of the findings and decisions of the Hearing Officer .

l. The record of a hearing before a Hearing Officer shall include a record of the testimony presented at the hearing, which may be by means of a tape or digital recording, transcription or other appropriate means.

m. At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the code for the violations proved, including the imposition of fines and in addition may order the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under this Chapter.

n. In the issuance of a final determination of liability, a Hearing Officer shall inform the respondent of respondent's right to seek judicial review of the final determination.

o. Default

1. If at the time set for a hearing the recipient of a notice of violation or a notice of hearing, or the recipient's attorney of record, fails to appear, the Hearing Officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision, and order. A copy of the order of default shall be served in any manner permitted under this Chapter.

2. Within 21 calendar days from the issuance of an order of default, a recipient of a notice of violation or a notice of hearing who has been found to be in default may petition the Hearing Officer to set aside the determination and set a new hearing date on the basis that the failure to appear at the hearing was for good cause. If the petition is granted, the Hearing Officer shall serve notice of the new hearing date upon the petitioner in any manner permitted by this Chapter no less than seven calendar days prior to the hearing date.

O. ***Ex Parte Disclosures.***

The County hereby adopts and incorporates *Canon 3(A)(6) of the Code of Conduct* for Administrative Law Officers. Therefore, Hearing Officers and other personnel of the Code Hearing Unit are required to refrain from public comment about a pending or impending proceeding before the Code Hearing Unit.

P. ***Post-Hearing Motions.***

There shall be no post-hearing motion practice before the Code Hearing Unit. Appeals or review of final orders shall be governed by Section W.

Q. ***Enforcement of Judgement***

a. Any fine, other sanction or costs imposed by a Hearing Officer's order and any expenses incurred by the County to enforce the order, including but not limited to attorney's fees, court costs, and costs related to property demolition or foreclosure, that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review of a Hearing Officer's final determination of liability for a code violation shall be a debt due and owing the County and, as such, may be collected in accordance with applicable law.

b. In order to ensure that code violations are remedied or fines are paid in a timely manner, a hearing officer, upon issuing a final determination of liability, may require a code violator to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against titled property. Bonds and liens shall be approved by the Ogle County State's Attorney as to form and amount.

1. The order to correct a code violation and the sanctions imposed by the Hearing Officer against a respondent property owner as the result of a finding of a code violation shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision, and order of a hearing officer if a notice consisting of a copy of the order to correct a code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the Office of the Ogle County Recorder by the county prior to the transfer or conveyance to the subsequent transferee or owner.

2. Whenever it is necessary for the County to make repair or otherwise expend funds to a code violation for which a bond was posted, or whenever fines or costs remain unpaid after a code violator has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving the parties notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the titled property or proceeds form the titled property, less the costs incurred by the County, returned to the code violator upon proof of compliance with the applicable code provisions and the payment of the applicable fines or costs.

R. ***Waiver, Suspension or Reduction of Fines.***

In instances where the Ogle County Code calls for the imposition of a mandatory minimum fine upon a finding of liability by a Hearing Officer, a Hearing Officer may not waive, suspend or reduce the imposition of said mandatory minimum fine.

S. ***Violations of Orders.***

Any person, having received notice and an opportunity for a hearing as provided in this code, who knowingly fails to comply with an order issued by a Hearing Officer under this chapter, including the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine not less than $200.00 nor more than $500.00 for each offense. Each day that the violation continues shall be considered a separate and distinct offense. In a prosecution under this section, it shall not be a defense that a person came into compliance with an order, sought judicial review of it, or made efforts to comply with an order subsequent to its effective date.

T. ***Fines payable to the Ogle County Treasurer.***

All fines and other monies paid to the County of Ogle in accordance with this chapter shall be remitted to the appropriate enforcement agency (Ogle County Animal Control Department, Health Department, Planning & Zoning Department, or Solid Waste Management Department) for deposit to the Ogle County General Fund.

U. ***Review of Final Orders***.

a. Upon becoming final, an order of a Hearing Officer shall be subject to review in the Circuit Court of Ogle County under the applicable avenue of appeal.

b. In general, appeals of final orders for violations of Ogle County Code provisions are governed by the Illinois Administrative Review Act (735 ILCS 5/3-101 et seq.).

V. ***Additional Rules, Regulations, and Provisions.***

The County Board may adopt any other necessary and proper rules, regulations, or provisions to carry into effect this Chapter and the powers granted and purposes stated in the Counties Code, 55 ILCS 5/5-41.

W. ***Severability.***

If any provision of this Chapter or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provision of this Chapter which is not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this Chapter are declared severable.

X. ***Savings Clause.***

Nothing herein adopted shall be construed to affect any suit or proceeding now pending in any Court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any party to a proceeding be lost, impaired, or affected by this Chapter.

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect immediately upon its adoption by the Ogle County Board.

The above and foregoing Ordinance was adopted by the County Board of Ogle County, Illinois this _____ Day of _____ 2008 A.D.

_____
W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

_____
Rebecca Huntley, Ogle County Clerk and
Ex-officio Clerk of the Ogle County Board

REGULATIONS FOR THE CONDUCT OF ADMINISTRATIVE HEARINGS

1. ***General Regulations.***

   a. ***Creation and Amendment of Regulations.*** Until amended by the Director of the Code Hearing Unit, the following shall be the regulations applicable to Administrative Hearings.

   b. ***Scope of Regulations.*** The regulations shall apply to the conduct of all cases before the Code Hearing Unit.

   c. ***Supremacy of Ordinances.*** Nothing in these regulations shall act to override, restrict or relax the procedural requirements or provisions of the applicable provisions of the Ogle County Code. In the event of a conflict between provisions of these regulations and the Ogle County Code, the Ogle County Code shall take precedence.

   d. ***Effective Date.*** These rules shall be in full force and effect commencing (***INSERT DATE***).

2. ***Decorum.*** Administrative Hearings shall be conducted with proper decorum at all times. A Hearing Officer is expected to conduct the Officer's room, call, and proceedings in a timely, orderly and professional manner. A Hearing Officer may order the temporary removal of any individual who is causing or contributing to a disruption of the call or proceedings.

3. ***Record of Proceedings.*** All proceedings may be recorded by audio tape or by other approved means from start to finish. Respondents may, at their own cost, provide a certified or licensed court reporter to record proceedings. Video or audio recording not authorized by the Hearing Officer is prohibited.

4. ***Cameras and Other Non-Authorized Audio-Visual Recording or Broadcasting Devices.*** The County hereby adopts and incorporates the order of the Illinois Supreme Court *In re Photographing, Broadcasting, and Televising Proceedings in the Courts of Illinois* (MR No. 2634). Pursuant to said order, the photographing, broadcasting or televising of proceedings, other than those in the appellate and supreme courts, is prohibited. Therefore, the photographing, broadcasting or televising of proceedings before a Hearing Officer are prohibited.

5. ***Introducing and Opening Remarks.*** A Hearing Officer should begin the Officer's call by introducing himself or herself to the litigants and other attendants. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, the availability of pre-trial conferences and the range of potential fines.

6. ***Management of the Case Call.*** Cases should be called in the following order to achieve a timely and efficient management of the call:

a. ***Pre-tried Dismissals or Settlements.*** Matters pre-tried prior to the call which result in dismissal or settlement of the case shall be called and placed into the record.

b. ***Cases with Attorneys.*** Cases, not pre-tried or settled, in which an attorney has filed a written appearance shall be called. The Hearing Officer should note in the Officer's opening remarks that attorneys are not given preferential treatment, but as officers of the court their presence may be required before other judges in other courthouses.

c. ***Regular Call***. Respondents seeking a full hearing shall be called and the hearing commenced.

d. ***Additional Pre-tried Dismissals or Settlements.*** Matters pre-tried during the call which result in dismissal or settlement of the case shall be called and placed into the record.

e. ***Motion to Set-Aside Defaults***. Respondents moving to set aside the default order shall be called and a hearing on the motion commended. The Hearing Officer shall first determine whether the motion is timely and whether the Officer has jurisdiction to entertain the motion. If timely, the Hearing Officer shall determine the merits of the motion. If the motion is granted, the Hearing Officer should proceed with a hearing on the case.

f. ***Defaults***. Cases in which no respondent has appeared shall be called. The Hearing Officer shall proceed with a hearing and enter an order on the record.

8. ***Discovery.*** Discovery in proceedings before the Code Hearing Unit shall be governed by Illinois Supreme Court Rule 201(h). Accordingly, no discovery procedure shall be used in proceedings before the Code Hearing Unit except by leave of a Hearing Officer.

9. ***Subpoenas of Witnesses and Documents.*** Subpoenas in proceedings before the Code Hearing Unit may only be issued by a Hearing Officer, unless otherwise provided by ordinance particular to the violation in question.

10. ***Rules of Procedure and Evidence.*** The formal and technical rules of civil and criminal procedure and evidence shall not apply in the conduct of administrative hearings. Evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

11. ***Standard of Proof.*** No violation may be established except upon proof by a preponderance of the evidence.

12. ***Representation and Appearance***. Parties may represent themselves or may be represented by an attorney or authorized representative. Any and all counsel or other persons appearing on behalf of a respondent in proceedings before a Hearing Officer must file a written and signed appearance on the first occasion before the Hearing Officer. "Proceedings" as defined in this section includes any and all requests for a continuance, hearing or hearing to vacate a default judgement.

13. ***Continuances.*** In general, continuances are not looked upon with favor and shall only be granted where absolutely necessary for good cause shown. Lack of preparation shall not be grounds for a continuance.

14. ***Defaults.*** If a respondent or respondent's representative fails to appear for a properly noticed hearing, the Hearing Officer may find the respondent in default and proceed with the hearing.

15. ***Motion to Vacate a Default.*** A respondent must file a written motion to vacate the default order within twenty-one days after the issuance of the default order. The movant must also be prepared to proceed with an immediate hearing if the motion is granted. The Code Hearing Unit shall not have jurisdiction to vacate a default order after twenty-one days from the issuance of the default order. However, lack of personal jurisdiction may be raised at any time. "Issuance of the default order," as used in this rule, shall be the date that the default order was deposited in the U. S. mail.

16. ***Dismissal for Want of Prosecution.*** If the Hearing Officer determines that the petitioner has not afforded proper notice, then the case shall be continued on the call to afford the petitioner an opportunity to resend notice. If at the continued date the petitioner has not afforded proper notice, the Hearing Officer shall dismiss the matter for want of prosecution. Said first dismissal shall be without prejudice.

17. ***Pre-Hearing Motions.*** Pre-hearing motions should be limited to motions for leave to request discovery, subpoenas, continuances or vacation of prior default under rules 8, 9,13 and 15 of these regulations. In matters where discovery is allowed by the Hearing Officer, discovery related motions may also be allowed.

18. ***Pre-Hearing Settlements Conferences.*** A party and the issuing County Department, through its representative or legal counsel, may enter into a settlement or stipulation of the issues or case and present the same to the Hearing Officer when the matter is called.

19. ***Hearings.***

    a. ***Notice***. A Hearing Officer will first determine whether the petitioner has afforded proper notice to the respondent. If notice is improper the matter will be returned to the petitioner for re-notice or refiling.

    b. ***Presentation of the County of Ogle's Case***. The County bears the responsibility for presenting its case. In general the case may be presented via a County representative (including non-lawyers), live sworn testimony, sworn signed prima facie documentation, or all of these.

    c. ***Respondent's Plea.*** In the event that the County has met its initial burdens of notice and evidence of its claim or of a violation, the respondent or the respondent's representative shall be asked to enter a plea of "admit – liable" or "deny – not liable."

    d. ***Presentation of the Respondent's Case and Defense.*** The defenses available to the respondent and the manner in which they may be presented are governed by the

ordinance particular to the subject matter or violation in question. In general, evidence may be presented via live sworn testimony, admissible documents, admissible exhibits or other admissible evidence.

e. ***Questions by the Hearing Officer.*** The Hearing Officer may ask questions of the parties and witnesses, if necessary, to ensure the clarity and completeness of the testimony and record.

f. ***Constitutional Challenges.*** The Code Hearing Unit is not empowered to pass upon the constitutionality of a statute, ordinance, rule, regulation or other legislative or administrative action. *See Yellow Cab Co. V. City of Chicago,* 938 F. Supp. 500(1996). Parties may, however, make an objection, without argument, to the constitutionality of a statute, ordinance, rule, regulation, or other legislative or administrative action for the record.

g. ***Closing Arguments***. Each party may be afforded an opportunity to make closing arguments.

h. ***Ruling.*** At the conclusion of the hearing, the Hearing Officer shall make a determination on basis of the evidence presented at the hearing as to whether a violation exists or does not exist. The determination shall be recorded in the form of a written order. The manner and content of the order are governed by the ordinance particular to the subject matter or violation in question. The manner of serving a copy of the order on the parties is also governed by the ordinance particular to the subject matter or violation in question.

20. ***Interpreters***. The respondent is responsible for supplying respondent's own interpreter to provide assistance during the hearing process. Interpreters shall be sworn-in and shall swear that the interpreter shall provide an accurate translation of the proceedings.

21. ***Reviewing or Copying of Public Records.*** The public records and public case files maintained by the Code Hearing Unit may be reviewed during normal business hours (Monday through Friday, 8:30 A.M. to 4:30 P. M.) in the Office of the Ogle County Clerk. No records or file items may be removed from the premises absent court order. The Code Hearing Unit reserves the right to require that requests be made in writing and that extensive or multiple requests be made by appointment. Copies of public records and public files may be requested through the Freedom of Information Act. The Code Hearing Unit reserves the right to require that requests be made in writing. Fees for processing requests shall be as follows: twenty cents ($.25) per side of a page and one dollar ($1.00) per certified order or other certified documents.