

## City of Charleston Administrative Adjudication Process

Pursuant to Illinois Municipal Code 65 ILCS 5/1-2-1 *et. seq.*, the City of Charleston will utilize Administrative Adjudication hearings to enforce city ordinances as may be allowed by law and directed by ordinance. Administrative adjudication hearings will be held in City Council Chambers on the second floor of Charleston City Hall. Cases are punishable by fines, orders to abate, and other similar penalties. All hearings will be held on the first and third Tuesdays of the month, excluding holidays, and will commence promptly at 1:00 p.m.

It is recommended that individuals arrive a few minutes early. Upon entering the Council Chambers, individuals must check in with the City Attorney or their assistant and wait until their case is called.

Administrative hearings are held to adjudicate violations of the Charleston city code. Violations of city code are called ordinance violations. A city ordinance violation is not a charge for violating state law. For example, state traffic, misdemeanor or felony charges are prosecuted by the Coles County State's Attorney's Office. This is not a criminal proceeding. It is civil in nature.

Common examples of city ordinance violations may include, but are not limited to: barking or loose dogs, building code violations, curfew violation, disturbing the peace, disorderly conduct, illegal burning, minor possession/consumption of alcohol, minor frequenting a bar, possession of tobacco by minor, misrepresentation of age by minor, obscene conduct, petit theft, possession of cannabis under 10 grams, possession of drug paraphernalia, possession of synthetic drugs, possession of false identification, property maintenance violations, public possession of alcohol, sale of alcohol without a license, sale or gift of alcohol to minor, trespassing and truancy.

At an administrative hearing, the Hearing Officer will determine whether an alleged violation has occurred. The Hearing Officer will have completed a formal training program and be licensed to practice law in the State of Illinois for at least three years.

At the beginning of the hearing, the Hearing Officer will make a brief opening statement identifying themselves, their role, expectations and the order in which cases will be called. When your case is called, acknowledge it and step up to the podium in front of the Hearing Officer's bench. Please advise the hearing officer whether you understand your rights. If you wish to admit the violation, please advise the hearing officer.

You have the right to a hearing. Hearings will commence immediately and you will be given an opportunity to present testimony and evidence. This includes using witnesses, notarized statements of witnesses, and/or physical evidence such as bills, receipts, photos or graphs. Said presentation must deal specifically with the alleged violation being heard. The City may retain all documents presented as evidence, and they will not be returned. All testimony is given under oath and is recorded. At the hearing, you have the right to be represented by an attorney. One will not be appointed for you.

Under city ordinance, continuances will not be granted, except where absolutely necessary to protect the rights of the parties. Lack of preparation shall not be grounds for a continuance.

If you are found to be in violation, fines will be assessed for the ordinance violation plus an administrative hearing fee of one hundred and thirty-five dollars (\$135). If you fail to pay the original fine and costs after thirty-five (35) days, a late payment penalty will be assessed. Late payment fees are cumulative and in addition to the original fine.

After a finding of violation or an admission, you have thirty-five (35) days to appeal this decision to the Circuit Court.

**Please note:** The Council Chambers uses electronic recording devices to record proceedings. Audio and video equipment, newspapers, magazines, food, drink, and chewing gum are not allowed in the Council Chambers. Disruptive people will be asked to leave the room and risk having their cases heard without them being heard.

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## **COMMON QUESTIONS:**

### **I received a Notice to Appear for a City of Charleston ordinance violation. Now what?**

The person receiving a notice of ordinance violation may appear at an administrative adjudicatory hearing to contest the validity of the violation in City Council Chambers, second floor of Charleston City Hall, 520 Jackson Avenue, Charleston, Illinois at the date and time specified on the citation. Failure to appear at the hearing will result in a default judgment entered against the violator and a final determination of liability for the fine plus costs of the administrative hearing. Any unpaid fine or penalty will constitute a debt due and owed to the city. The judgment will be enforceable in Circuit Court.

### **Do I have to attend the administrative adjudicatory hearing?**

**ORDINANCE VIOLATIONS:** If you received a city citation from the Charleston Police Department for violating city code, you may admit the violation and pay the fine in full by close of business the day before your hearing. Paying in full in advance avoids administrative hearing costs of one hundred and thirty-five dollars (\$135). For more information, call the city's legal department at 217-345-8424.

**NUISANCE CASES:** If you received a notice to abate a nuisance (e.g., for having tall weeds or grass, trash in the yard), **you may admit the violation and pay the fine in full in advance only with prior approval from the legal department.** Approval is granted only if the city has verified the problem has been corrected before the court date. Paying in full in advance avoids administrative hearing costs of one hundred and thirty-five dollars (\$135). For more information, call the city's legal department at 217-345-8424.

**PROPERTY MAINTENANCE VIOLATIONS:** If you received a notice to abate a Property Maintenance Code violation, **you may not pay the fine in advance of the hearing.** In these cases, the city will ask the Hearing Officer to order the violator to correct the problem.

### **What happens if I don't show up at the hearing?**

Failure to appear at the hearing will result in a default judgment entered against the violator and a final determination of liability for the fine plus costs of the administrative hearing. Any unpaid fine or penalty will constitute a debt due and owed to the city. The judgment will be enforceable in Circuit Court.

### **How can I pay the fine?**

You may pay in person at the City of Charleston Water Department, 520 Jackson Avenue, Charleston, Illinois or by mailing a money order or bank draft payable to the City of Charleston to the above address. You can also go to our website [www.charlestonillinois.org](http://www.charlestonillinois.org) and pay online utilizing your credit/debit card for parking violations only.

### **Can I make a deal to pay a lesser amount?**

No. Charleston City Code mandates minimum fines for the offenses.

### **What if I need time to pay?**

The city expects payment in full in thirty-five (35) days. If you are found to be in violation of city ordinance, the Hearing Officer will issue an order to pay the fine. If the violator disobeys the Hearing Officer's order, the city will seek to enforce the judgment in Circuit Court. Any outstanding balances may be sent to collections.

### **What if I need a continuance?**

Under city ordinance, continuances will not be granted, except where absolutely necessary to protect the rights of the parties. Lack of preparation shall not be grounds for a continuance.

### **Will this go "on my record"? What happens if I admit I violated a city ordinance?**

The City Attorney serves as a prosecutor of ordinance violations, and cannot provide legal advice to the violator. Such questions are more appropriately answered by the alleged violator's private attorney.

**Note:** Administrative adjudication hearings are not criminal proceedings. They are civil in nature.