

CHAPTER 2

INSPECTIONS AND ENFORCEMENT

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8-2-1: **ENFORCING OFFICER:** The Health Authority shall enforce the provisions of these regulations and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection; or in response to a complaint that an alleged violation of the provisions of these regulations or of applicable rules or regulations pursuant thereto may exist; or when the Health Authority has valid reason to believe that a violation of these regulations or any rules and regulations pursuant thereto has been or is being committed. Any police officer, law enforcement official, officer of the Village, or Village Marshall may enforce the terms of this subsection when, in their discretion, the violation constitutes a clear and present risk to the health and safety of any person, by any act authorized by law or power granted the Health Authority by this subsection.

8-2-2: **INSPECTION PROCEDURES:**

A.

The Health Authority is hereby authorized to enter and inspect, between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m., all dwellings, dwelling units and rooming houses, rooming units and dormitory rooms subject to the provisions of these regulations for the purpose of determining whether there is compliance with its provisions.

- B. The Health Authority is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units and dormitory rooms subject to these regulations, for the purpose of determining whether there is compliance with its provisions.
- C. The Health Authority and the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming or dormitory room subject to these regulations may agree to an inspection by appointment at a time other than the hours provided in subsection A above.
- D. The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room, upon presentation of proper identification by the Health Authority, shall give the Health Authority entry and free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room or to the premises surrounding any of these.
- E. If any owner, occupant or other person in charge of a dwelling, dwelling unit or rooming unit, or of a multiple dwelling or a rooming house fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by these regulations is sought to be made, the Health Authority may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this Section with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling or rooming house, petition and obtain such order from a court of competent jurisdiction.
- F. Any person who refuses to comply with an order issued pursuant to this Section or any section of these regulations, shall be subject to such penalties as provided by the public health ordinance of the County of Stephenson.

8-2-3: **ENFORCEMENT OF REGULATIONS:** Whenever the Health Authority determines that there are reasonable grounds to believe that there has been a violation of any provisions of these regulations or any rule or regulation adopted pursuant thereto, he shall give notice of the alleged violation to the

person responsible therefor, as hereinafter provided, except that these provisions shall not apply with respect to any permits which are required by this Title and to Section 8-4-2I in respect to weed control. Such notice shall:

- A. Be put in writing, using the form provided in Title 11-3 for Notice of Violation.
- B. Be served upon the owner or his agent, or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is sent by registered mail to his last known address; or if he is served with such notice by any other method authorized or required under the laws of this State. Service upon an occupant, agent, or tenant shall be deemed service upon the owner.

8-2-4: HEARING PROCEDURES:

- A. **Hearing Granted Upon Request:** Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Title, or any rule or regulation adopted pursuant thereto, as provided herein, may request and shall be granted a hearing on the matter before the Dakota Village Board; provided that such person shall file in the office of the Village Board written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within ten (10) days after the notice was served.

B.

Time and Place for Hearing; Postponements: Upon receipt of such petition, the Health Authority shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing and to show why such notice should be modified or withdrawn; provided, that upon application of the petitioner, the health authority may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

C.

Action of Health Authority After Hearing: After the hearing referred to in this Section, the Health Authority shall sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this Title and of the rules and regulations adopted pursuant thereto, have been complied with. If the Health Authority sustains or modifies such notice, it shall be deemed an order.

8-2-5: NOTICE OF HEARING:

A.

When Notice Becomes an Order: Any notice served pursuant to the provisions hereof shall automatically become an order if a written petition for a hearing is not filed in the office of the health administrator within ten (10) days after such notice is served.

B.

Notice Suspending Permit: After a hearing in the case of any permit required by this Title, or any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Health Authority, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the health administrator within ten (10) days after such notice is served.

8-2-6: PROCEEDINGS SUMMARIZED FOR PUBLIC RECORD: The proceedings of the hearing referred to herein including the findings and decision of the Health Authority, shall be summarized, reduced to writing and entered as a matter of public record in the office of the health administrator. Such record shall also include a copy of every notice or order issued in

connection with the matter.

8-2-7: **EMERGENCY ORDERS:** Whenever the Health Authority finds an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring such action to be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Authority, shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Title and of the rules and regulations adopted pursuant thereto have been complied with, the Health Authority shall continue such order in effect or modify it or revoke it.

8-2-8: **ENFORCE COMPLIANCE:** No notice or hearing, as provided by this Chapter, is required or is necessary or a necessary precedent to the filing of any legal action to require compliance with this Title or the filing of any legal proceeding, civil or criminal.

8-2-9: **PROMULGATION OF RULES AND REGULATIONS:** The County Board may adopt by ordinance such rules and regulations as may be necessary for the proper interpretation of the provisions of this Title by the Health Authority. After adoption by the County Board, such rules and regulations shall have the same effect and force as the provisions of this Title, and the penalty for violation thereof shall be the same as the penalty for violation of these provisions, as hereinafter provided.

8-2-10: **LIMITATION OF POWERS:** Nothing contained in this Title shall be construed to limit in any way the reasonable exercise of powers granted to the Public Health Authority or his duly authorized agents under provisions of the common law, or Statutes of the State of Illinois, or by ordinance, rules and regulations of the County Board.

8-2-11: **PENALTIES:** Any person who shall violate or refuse to obey any provisions of this Title shall, upon conviction, be fined not exceeding two hundred dollars (\$200.00) for each offense, or imprisoned in the County jail not to exceed six (6) months, or both, in the discretion of the court. A separate offense shall be deemed committed for each day a violation continues.