

ORDINANCE NUMBER 19 - 33

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING SECTION 10.20 OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REGARDING COLLECTION OF DEBTS OWED TO THE VILLAGE OF EAST DUNDEE

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village desires to amend the Village of East Dundee Village Code ("Village Code") to clarify the process for the collection of debts owed to the Village; and

WHEREAS, the President and Board of Trustees of the have determined that granting of said amendments to the Village Code is in the best interest of the Village;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Village Code Amendments. That the Village Code is hereby amended as follows:

Amendment One:

Section 10.20 of the Village Code, entitled "Debts Due and Owing the Village," is hereby amended as follows, with additions underlined and deletions struck through:

(A) Any person, partnership, corporation or other entity ("debtor") owing any fine, penalty, cost, tax, user charge, fee, judgment, financial contractual obligation or any other debt to the village or any person, partnership, corporation or entity under the control of such debtor, or lessee or user of the debtor's property, shall not be entitled to any village service, permit, license or other village action or approval unless that debt is paid in full or the Village Administrator or his/her designee has approved a payment arrangement for the debt owed.

(B) This section shall not prohibit water or sewer service or any emergency village service to a debtor such as from the Police Department.

(C) Whenever any fine, charge, penalty or payment is due pursuant to any provision in this code and is not paid after the Village sends, mails or otherwise delivers notice (unless a different period is stated elsewhere in this code) to the debtor, the Village may impose a penalty of ten percent (10%) of the debt owed for every thirty (30) days of nonpayment after being noticed of such default of debt due.

(D) Whenever any fine, charge, penalty or payment is due pursuant to any provision in this code and is not paid after the Village sends, mails or otherwise delivers notice (unless a different period is stated elsewhere in this code) to the debtor, the Village may transfer such fine, charge, penalty or payment to a private collection agency of the Village's choosing or to an attorney for collection purposes. Any such collection agency or attorney shall, for purposes of collection of such fine, charge, penalty or payment, be deemed an agent of the Village. All costs or attorneys' fees incurred by the Village for the collection of any fines, charges, penalties or payments transferred to any such collection agency or attorney shall be assessed against the debtor as an additional fine, charge, penalty or payment, subject to any applicable statutory limits.

(E) In addition to such fine, charge, penalty or payment imposed pursuant to Sections 10.20(C) and 10.20(D), the debtor shall pay any other fee or penalty imposed pursuant to this code.

Amendment Two:

Section 37.01(A)(3) of the Village Code, entitled "Collection Fee," is hereby amended as follows, with additions underlined and deletions struck through:

(3) Collection fee and penalties: ~~Greater than 30 days past due, or at the village's discretion, the village has the right to send an account to collections and assess a 50% penalty charge for recovery of funds outstanding.~~ Collection fees and penalties may be imposed for debts due and owing the Village pursuant to Section 10.20, Debts Due and Owing the Village, of the Village Code.

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

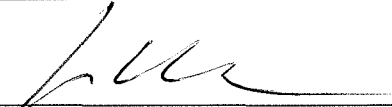
ADOPTED this 21st day of October, 2019 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen and Kunze

NAYES: Ø

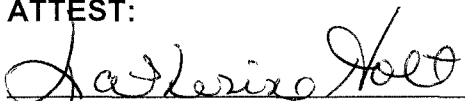
ABSENT: Ø

APPROVED by me this 21st day of October, 2019.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 22nd day of October, 2019, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on October 22, 2019.