

ORDINANCE 2019-19

An Ordinance Amending Title 1, Administrative Chapter 4, General Penalty of the West Dundee Municipal Code, So as to add 1-4-5: Collection Fees and Cost and Amending Title 6, Police Regulations Chapter 8, Ordinance Enforcement through Administrative Adjudication of the West Dundee Municipal Code, So as to add 6-8-8-M-1: Collection Fees and Cost

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, Section 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1, permits municipalities to retain attorneys and private collection agents for the purpose of collecting any default in fine or penalty or installment of that fine or penalty and to charge any fees or costs incurred by the municipality with respect to attorneys or private collection agents retained by the municipality to the offender; and

WHEREAS, the Village has found that a great number of people do not pay their fines which has resulted in the Village referring past due matters to collection agencies; and

WHEREAS, collection agencies charge the Village a fee for their services; and

WHEREAS, the Village desires to pass the fees of the collection agencies on to the person who is responsible for paying the fine or penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS:

Section 1: The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

Section 2: Title 1, Administrative, Chapter 4 is hereby amended to add Section 1-4-5 to the West Dundee Municipal Code:

1-4-5: COLLECTION FEES AND COST

In the event a fine or penalty is assessed pursuant any provision of this Code, a default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The village and the village attorney or the finance director or their designees may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty imposed by this Code, or any installment of a fine or penalty. The village shall add a 35% cost of collections to any outstanding balance that requires the village to retain the services of a collection agency. This 35% cost includes any default in a fine or penalty or any installment of a fine or penalty that was previously referred to an attorney or private collection agency and the payment of which remains outstanding.

Section 3: Title 6, Police Regulations, Chapter 8 is hereby amended to add Section 6-8-8-M-1 to the West Dundee Municipal Code:

6-8-8-M-1: COLLECTION FEES AND COST

The village and the village attorney or the finance director or their designees may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty imposed by this Code, or any installment of a fine or penalty. The village shall add a 35% cost of collections to any outstanding balance that requires the village to retain the services of a collection agency. This 35% cost includes any default in a fine or penalty or any installment of a fine or penalty that was previously referred to an attorney or private collection agency and the payment of which remains outstanding.

Section 4: Any policy, resolution or ordinance of city, or any part thereof, that conflict with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.


Section 5: This ordinance shall apply to all debt owed to the Village of West Dundee. The ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law including any debt that is owed prior to its passage.

APPROVED and PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 19th day of August, 2019.

AYES: Trustees Wilbrandt, Kembitzky, Price, Hanley, Yuscka and Anderley
NAYS: None

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President