

PUBLISHED IN PAMPHLET FORM FOR THE FOLLOWING:

ORDINANCE 22-058

TITLED:

**AMENDING CERTAIN PROVISIONS OF CHAPTER 42 (SOLID WASTE),
ARTICLE II (FEES, BILLING AND COLLECTION), OF THE MUNICIPAL CODE
OF THE VILLAGE OF BOLINGBROOK (COLLECTION FEES AND REMEDIES)**

VILLAGE CLERK
VILLAGE OF BOLINGBROOK

ORDINANCE 22-058

AMENDING CERTAIN PROVISIONS OF CHAPTER 42 (SOLID WASTE), ARTICLE II (FEES, BILLING AND COLLECTION), OF THE MUNICIPAL CODE OF THE VILLAGE OF BOLINGBROOK (COLLECTION FEES AND REMEDIES)

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village and its residents to amend the waste collection code provisions to include a fee for the cost of collections imposed by collection agencies retained by the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

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

SECTION TWO: Section 42-41 of Article II ("Fees, Billing and Collection") of Chapter 42 ("Solid Waste") of the Municipal Code of the Village of Bolingbrook is hereby amended by adding the following new underlined language to read, as follows:

Sec. 42-41. - Collection remedies.

(a) *Authority generally.* The village shall be authorized to seek any remedy authorized by law for the collection of any delinquent fee, including, but not limited to, referring the debt to a collection agency, and prohibiting the issuance of real property transfer tax stamps on the property of the delinquent customer until the delinquent fee is paid and imposition of a lien on the property of the delinquent customer. 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.

(b) *Collection and removal costs; lien.* The cost of collection and removal of garbage or debris shall be a lien upon the real estate affected, superior to all

subsequent liens and encumbrances except tax liens, subject to the following:

(1) Within 60 days after such a cost and expense is incurred, the village, or the person performing the service by authority of the village in his or its own name, shall file a notice of lien in the office of the recorder of deeds of Will County.

(2) The notice consists of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service and the date or dates when such cost and expense was incurred by the village.

(3) The finance director shall send a copy of the notice of the lien to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number.

(4) The lien of the village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of garbage and debris and prior to the filing of such notice, and the lien of the village shall not be valid as to any mortgagee, judgment creditor or any other lien or whose rights in and to such real estate arise prior to the filing of such notice.

(5) Upon the payment by the owner, or other person interested in the property, of the outstanding lien balance, any costs incurred by the village in filing or releasing the lien, and the administrative fees of the village associated therewith, the village shall issue a release of such lien for filing in the office of the recorder of deeds.

(6) The village has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate. Suit to foreclose this lien shall be commenced within two years after the date of filing notice of lien.

(c) *Civil action for recovery of sums due.* The village may sue the occupant or user of the real estate in a civil action to recover the money due for services rendered under this article, plus a reasonable attorney's fee, to be fixed by the court. When a judgment is entered in such a civil action, the foregoing provisions in this section with respect to filing sworn statements of such delinquencies in the office of the recorder and creating a lien against the real estate shall not be effective thereafter as to charges sued upon and no lien shall exist thereafter against the real estate for the delinquency. Judgment in such a civil action operates as a release and waiver of the lien for the amount of the judgment.

SECTION THREE: Section 42-39 of Article II (Fees, Billing and Collection) of Chapter 42 (Solid Waste) is hereby amended by deleting the stricken language to read, as follows:

Sec. 42-39. – Collection fees imposed; amount

A waste collection fee equal to the contracted rate amount with the village's contracted solid waste hauler is imposed upon any ~~village-utility~~ customer receiving waste collection service from the village or its authorized agent or contractor.

SECTION FOUR: Those portions of Chapter 42 of the Municipal Code that are not expressly amended herein shall be and are hereby ratified and affirmed and shall remain in full force and effect.


SECTION FIVE: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION SIX: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

PASSED THIS 27th DAY OF SEPTEMBER 2022.

AYES:	4	Carpanzano, Doris, Kelly, Watts
NAYS:	0	None
ABSENT:	2	Lawler, Zarate
ABSTENTIONS:	0	None

APPROVED THIS 27th DAY OF SEPTEMBER 2022.



Mary S. Alexander-Basta
MAYOR

ATTEST:



Martha M. Barton
VILLAGE CLERK

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK ON SEPTEMBER 28, 2022.

STATE OF ILLINOIS)
COUNTIES OF WILL) SS
AND DUPAGE)

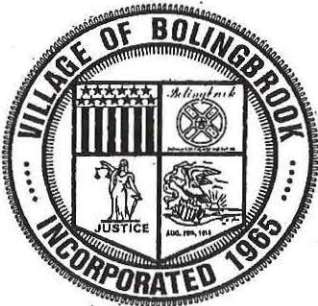
I, Martha M. Barton, certify that I am the duly elected and acting Village Clerk of the Village of Bolingbrook, Will and DuPage Counties, Illinois.

I further certify that on September 27, 2022, the Corporate Authorities of such municipality passed, and approved Ordinance 22-058 entitled:

**AMENDING CERTAIN PROVISIONS OF CHAPTER 42 (SOLID WASTE),
ARTICLE II (FEES, BILLING AND COLLECTION), OF THE MUNICIPAL CODE
OF THE VILLAGE OF BOLINGBROOK (COLLECTION FEES AND REMEDIES)**

The pamphlet form of Ordinance 22-058 including the Ordinance and a cover sheet, thereof, was prepared on September 27, 2022. Copies of such Ordinance are available for public inspection upon request in the office of the Village Clerk.

DATED at Bolingbrook, Illinois, this 28th day of September 2022.



Martha M. Barton
VILLAGE CLERK