

Item #4:
Ordinance For The Recovery Of Attorney Fees

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-O-__

**AN ORDINANCE AMENDING TITLE 12 OF THE LONG GROVE VILLAGE CODE
REGARDING THE COLLECTION OF COSTS INCLUDING ATTORNEYS' FEES**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of _____, 2010

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ____ day of _____, 2010

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-O-__

AN ORDINANCE AMENDING TITLE 12 OF THE LONG GROVE VILLAGE CODE REGARDING THE COLLECTION OF COSTS INCLUDING ATTORNEYS' FEES

WHEREAS, Section 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1, authorizes a municipality (i) to retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty imposed by a municipality and (ii) to collect any fees or costs incurred by the municipality with respect to the collection of such fine or penalty, including fees of attorneys or private collection agents retained by the municipality to collect such outstanding fine or penalty; and

WHEREAS, Section 9-2-98 of the Illinois Municipal Code, 65 ILCS 5/9-2-98, authorizes a municipality to require a property owner with certain unpaid assessments to pay reasonable costs and expenses incurred by the municipality in connection with the foreclosures of liens for such unpaid assessments; and

WHEREAS, pursuant to Section 27-75 of the Special Service Area Tax Law, 35 ILCS 200/27-75, the lien for unpaid special taxes levied pursuant to a special tax roll for a special service area may be foreclosed and collected in the same manner as special assessments; and

WHEREAS, the Long Grove Board of Trustees has determined, that it would be in the best interests of the Village and its residents to amend Title 12 of the Village Code to provide the collection of costs and fees, including attorneys' fees, related to (i) the collection of outstanding fines or penalties, and (ii) foreclosure actions for unpaid assessments;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE. **Recitals.** The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO. Amendment of Title 12 of the Village Code. Title 12, entitled "Fees and Costs," of the Village Code is hereby amended by adding a new Chapter 2, entitled "Costs" which shall hereafter be and read as follows:

Chapter 2: COSTS.

12-2-1: RECOVERY OF COSTS:

A default in the payment of a fine or penalty or any installment of a fine or penalty imposed by the Village may be collected by any means authorized for the collection of monetary judgments. The Village may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the Village with respect to the collection of the fine or penalty, including fees of attorneys or private collection agents retained by the Village under this Section, shall be charged to the offender.

12-2-2: FORECLOSURE ACTIONS:

Where the Village brings a foreclosure action to collect unpaid assessments on real property in accordance with Illinois law, the Village may recover from the property owner reasonable costs and fees, including attorneys' fees, associated with such action.

SECTION THREE. Effective Date. This Ordinance shall be in full force and effect only upon the occurrence of all of the following events its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____, 2010.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of _____, 2010.

Village President

ATTEST:

Village Clerk