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ORDINANCE NO. 6- 2022

AN ORDINANCE AMENDING CHAPTER 20, SOLID WASTE, OF THE EVERGREEN PARK MUNICIPAL CODE, BY AMENDING SECTION 20-4, WASTE, LANDSCAPE WASTE AND RECYCLING SERVICE CHARGE, AND BY AMENDING CHAPTER 24, WATER, SEWERS AND SEWAGE DISPOSAL, OF THE EVERGREEN PARK MUNICIPAL CODE, BY ADDING SECTION 24-135, LIEN FOR UNPAID CHARGES, AND BY AMENDING SECTION 24-208, LIEN ON UNPAID CHARGES

KELLY BURKE
Mayor

**NORMAN ANDERSON
CAROL E. KYLE
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JAMES A. McQUILLAN
JEANNIE OLSON
MARK T. PHELAN**
Trustees

CATHERINE T. APARO
Village Clerk

Prepared by
LOUIS F. CAINKAR, LTD.
Village Attorney

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AN ORDINANCE AMENDING CHAPTER 20, SOLID WASTE, OF THE EVERGREEN PARK MUNICIPAL CODE, BY AMENDING SECTION 20-4, WASTE, LANDSCAPE WASTE AND RECYCLING SERVICE CHARGE, AND BY AMENDING CHAPTER 24, WATER, SEWERS AND SEWAGE DISPOSAL, OF THE EVERGREEN PARK MUNICIPAL CODE, BY ADDING SECTION 24-135, LIEN FOR UNPAID CHARGES, AND BY AMENDING SECTION 24-208, LIEN ON UNPAID CHARGES

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

Section 1

That Section 20-4 Waste, Landscape Waste and Recycling Service Charge, of Chapter 20, Solid Waste, of the Evergreen Park Municipal Code be amended to read as follows:

Sec. 20-4. Waste, Landscape Waste and Recycling Service Charge.

(a) The service charge for pickup of residential waste, landscape waste and recyclables from each dwelling unit for single-family and two family residences shall be billed per quarterly period as follows:

(b) The service charge for pickup of residential waste, landscape waste and recyclables may be added to the water bill or sewer bill, and it shall be the joint obligation of the owner of the property and the person receiving the water or sewer bill to pay the service charge. Delinquent service charges for the pickup of residential waste, landscape waste and recyclables are subject to the same late fees charged for-past due water and sewer user charges.

(c) The failure to pay the appropriate service charge under this section may result in the village recording a lien against the property where such service is provided and as set forth in Section 24-135 or Section 24-208 of this Code.

Section 2

That Chapter 24 of the Evergreen Park Municipal Code, Water, Sewers and Sewage Disposal, Article II, Municipal Water System, Division 4, User Rates and Charges, be amended by adding Section 24-135, Lien for Unpaid Charges, to read as follows:

Sec. 24-135. Lien for unpaid charges.

(a) Whenever a bill for water and or for the pickup of residential waste, landscape waste and recyclables remains unpaid for sixty (60) days after the due date, the village may file with the Cook County Clerk a statement of lien claim. This statement shall contain the legal description of the premises served, a claim for the amount of the unpaid bill, charges subsequently assessed to the period covered by the bill and an amount for attorney's fees and filing fees related to the preparation of and recording of the lien notice. At least fourteen (14) days prior to recording the notice of lien, the village shall send by first class mail a notice of its intent to record a lien against the property to the user and taxpayer of record. If the user whose bill is unpaid is not the owner of the premises and the village has notice of the property owner's contact information, notice shall be mailed to the owner of the premises at the property owner's last known address.

(b) The failure of the village to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to record a lien at a later date and to foreclose such lien.

(c) Property subject to a lien for unpaid charges may be foreclosed upon as with statutory liens. The village attorney is hereby authorized and directed to institute such proceedings in the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid sixty (60) days after its due date and the lien has been recorded.

Section 3

That Chapter 24 of the Evergreen Park Municipal Code, Water, Sewers and Sewage Disposal, Article III, Sewers and Sewage Disposal, Division 3, User Rates and Charges, be amended by amending Section 24-208, Lien for Unpaid Charges, to read as follows:

Sec. 24-208. Lien for unpaid charges.

(a) Whenever a bill for sewer service and or for the pickup of residential waste, landscape waste and recyclables remains unpaid for sixty (60) days after the due date, the village may file with the Cook County Clerk a statement of lien claim. This statement shall contain the legal description of the premises served, a claim for the amount of the unpaid bill, charges subsequently assessed to the period covered by the bill and an amount for attorney's fees and filing fees related to the preparation of and recording of the lien notice. At least fourteen (14) days prior to recording the notice of lien, the village shall send by first class mail a notice of its intent to record a lien against the property to the user and taxpayer of record. If the user whose bill is unpaid is not the owner of the premises and the village has notice of the property owner's contact information, notice shall be mailed to the owner of the premises at the property owner's last known address.

(b) The failure of the village to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to record a lien at a later date and to foreclose such lien.

(c) Property subject to a lien for unpaid charges may be foreclosed upon as with statutory liens. The village attorney is hereby authorized and directed to institute such proceedings in the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid sixty (60) days after its due date and the lien has been recorded.

Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 5

This ordinance shall be in full force and effect after passage, approval and publication. Publication of this ordinance in pamphlet form is hereby authorized.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 18th day of April, 2022.



Catherine T. Aparo

CATHERINE T. APARO, Village Clerk

APPROVED by me this 18th
day of April, 2022.

Kelly Burke

KELLY BURKE, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Evergreen Park, in accordance with law, this 18th day of April, 2022.

Catherine T. Aparo

CATHERINE T. APARO, Village Clerk