
THE VILLAGE OF ROBBINS

COOK COUNTY, ILLINOIS

ORDINANCE

No. _____ 10-11-22 _____

**AN ORDINANCE AMENDING THE CODE OF THE VILLAGE OF ROBBINS
REGARDING THE SATISFACTION OF MUNICIPAL DEBTS**

DARREN E. BRYANT, MAYOR
SHARON S. DYSON, VILLAGE CLERK

GEORGE BREWTON

DAVID R. DYSON

TIFFANY S. ROBINSON

GREGORY N. JACKSON

MICHAEL COLLIER SR.

ERNEST MAXEY JR.

Board of Trustees

PASSED AND APPROVED BY THE MAYOR AND BOARD OF TRUSTEES

THIS _____ 11TH _____ DAY OF ___ OCTOBER ____, 2022

ORDINANCE NO. _____10-11-22_____

**AN ORDINANCE AMENDING THE CODE OF THE VILLAGE OF ROBBINS
REGARDING THE SATISFACTION OF MUNICIPAL DEBTS**

WHEREAS, the Village of Robbins (the "Village") is a home rule unit of government pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village Mayor and Village Board of Trustees (the "Mayor" and the "Board", collectively, the "Corporate Authorities") desire to improve the Village's revenue collection system and enhance its overall efficiency; and

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the public health, safety and welfare of the residents of the Village and the efficient operation of government to amend the Village Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Robbins, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: That the above recitals are incorporated herein and made a part hereof, as set forth in their entirety.

Section 2: Chapter 2, Administration, Article I. In General, Section 2-2, Satisfaction of Municipal Debt of the Code of Ordinances of the Village of Robbins, Illinois is hereby enacted by inserting the entire following into the Code:

Section 2-2. Satisfaction of Municipal Debt

(A) **Definitions.** As used in this section, unless the context indicates otherwise:

"Debt" shall mean any of the following:

- (1) a sum of money owed to the Village for which the period granted for payment has expired, including, but not limited to, any obligation or payment of a sum of money owed to the Village pursuant to a court order or an order of the Department of Administrative Hearings, and includes any unpaid tax liability, whether or not an assessment has been issued;
- (2) any obligation or payment of a sum of money owed to a third party, including restitution, pursuant to an order of the Department of Administrative Hearings;
- (3) a parking ticket, notice of parking violation, ordinance violation or parking violation complaint on which full payment has not been made or an appearance has not been filed in the Circuit Court of Cook County within the time specified on the complaint;
- (4) an unpaid fee for any license, inspection or other fee for service for the Village;
- (5) unpaid real estate transfer taxes owed to the Village;
- (6) fees for ambulance services provided by the Village; and/or
- (7) Any other debt to the Village, as determined by the Village;

"Otherwise resolved" or "otherwise resolves" means any debt that (1) has been discharged by the Village Board in accordance with terms and conditions fixed by the Village Board; or (2) is governed by an agreement for payment of the debt entered into by the person owing such debt

with a court of competent jurisdiction or if each person owing the debt is in compliance with the terms of the agreement; or (3) enforcement of which has been judicially stayed by a court of competent jurisdiction; or (4) is the subject matter of a good faith negotiation with the department of finance, as determined by the comptroller, to resolve a dispute contesting liability for, or the amount of, such debt; or (5) is dischargeable in bankruptcy and the person owing such debt has filed a petition in bankruptcy.

“Requested Village action” means the issuance of the applicable license or permit or acceptance of the applicable application by the responsible department.

“Responsible department” means the Village department responsible for issuing the applicable license or permit or for accepting the applicable application.

“Satisfied” or “satisfies” mean any outstanding debt that has been or is paid in full.

(B) **Investigation authorized.** If the issuance of a license or permit or acceptance of an application is prohibited under this Code to any person who has outstanding debt, the department of finance may investigate whether such person has outstanding debt.

(C) **Notification required.** If, as a result of an investigation under this section, the department of finance determines that any applicable person has outstanding debt, the department shall notify the person owing the debt of its determination and of the fact that such person is ineligible under the Code for the requested Village action until such time that the outstanding debt is satisfied or otherwise resolved. The notification required under this subsection shall:

(i) be in writing;

(ii) notify the person owing the debt and, if required under the Code, such person's agent, that the Village Code prohibits the responsible department from granting the requested Village action to persons who have outstanding debt;

(iii) state that the department of finance has determined that an outstanding debt exists;

(iv) describe the debt that is outstanding or inform the person owing the debt that, upon request, a description of the outstanding debt is available from the department of finance;

(v) inform the person owing the debt of his or her right to contest the department of finance's determination that an outstanding debt exists; and

(vi) inform the person owing the debt of the circumstances under which an outstanding debt will be deemed to have been satisfied or otherwise resolved.

If notice is provided by mail, it shall be sufficient to mail the notice to the last address that the person owing the debt provided to the responsible department. The date of the notice shall be the date such notice is deposited in the mail, if served by first class mail; the date of delivery, if served by personal service; or the date of service, if served in any other manner.

(D) (1) **Right to petition.** Upon request of the person owing the debt, the department of finance shall provide such person with a written description of such debt. The person owing the debt shall have ten business days from the date of the notice issued under subsection (C) to petition the Director of Finance to reverse the department's determination under subsection (b), by submitting in person or by mail, a written response to the comptroller that includes the following materials and information:

(i) the full name, address and telephone number of the person owing the debt;

(ii) (ii) a written statement signed by the person owing the debt setting forth facts, law or other information relevant to establishing a defense to the department's determination under subsection (B);

- (iii) (iii) a copy of the notice provided by the department under subsection (C) to the person owing the debt; and
- (iv) (iv) any documentary evidence that supports the written statement of the person owing the debt, including receipts for the payment of an alleged debt or other tangible proof that the debt has been satisfied or otherwise resolved.

(2) **Final order.** Within ten business days of receiving a petition under subsection (d)(1) from the person owing the debt, unless a longer period is mutually agreed upon, the Director of Finance shall enter an order granting or denying the petition. If the petition is denied, such order of the Director of Finance shall be accompanied by a written decision stating why the petition is being denied. Such order of the Director of Finance shall be final and may be appealed as provided by law. Upon issuance of such final order, the person seeking the requested Village action shall not be eligible for such requested Village action until such person satisfies or otherwise resolves the outstanding debt.

(E) **Failure to file timely petition.** If the person owing the debt fails to file a timely and proper petition under subsection (D)(1), such person shall be deemed to have waived his or her right under this section to contest the department's determination under subsection (C), and the requested Village action shall not be granted until the outstanding debt is satisfied or otherwise resolved.

(F) **Duration of validity of determination.** If, in connection with any investigation conducted under subsection (B) of this section, the department of finance determines that a person does not have any outstanding debt or that an outstanding debt has been satisfied or otherwise resolved, the department may presume, for a period of 90 days from the date of such determination, that such determination is accurate and remains valid.

(G) **Refunds.** Upon written application by any person determined under this section to owe debt, and subject to any applicable rules contained in this Code relating to refunds, the Village or any third party collecting payments on behalf of the Village shall refund any payment that was received from such person for any debt that the Village or a court of competent jurisdiction determines was not owed by such person.

(H) Investigations for compliance.

The department of finance shall investigate and determine whether all persons required by the municipal code to pay any tax or secure any license, permit or franchise have complied with such provisions and, in cases of evasion of payment, the department shall serve notices of delinquency and upon advice, counsel and representation of the Village Attorney, shall request proceedings to be instituted to enforce such provisions and collections.

(I) Director of Finance – Rules and regulations.

The Director of Finance is authorized to make and enforce such reasonable rules and regulations as may be necessary to effectively administer any of the powers granted the Director of Finance in this code. All such rules and regulations shall be adopted only after notice to the general public. Upon adoption, such rules and regulations shall be maintained on file in the department of finance and shall be made available for public inspection during regular business hours.

Section 3: If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 4: All ordinances in conflict herewith are hereby repealed to the extent of such conflict. All prior actions of the Village's officials, employees and agents with respect to the subject matter of this Ordinance are hereby expressly ratified.

Section 5: The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

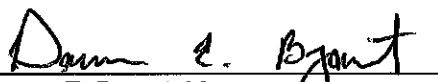
Section 6: The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to, and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with the amendments contemplated by this Ordinance.

Section 7: This ordinance shall be in full force and effect on ____ October 11, 2022, after its publication in pamphlet form.

ADOPTED this __11TH__ day of __October__, 2022, pursuant to a roll call vote as follows:

	AYES	NAYS	ABSENT	ABSTAIN
George Brewton	X			
David R. Dyson	X			
Tiffany S. Robinson	X			
Gregory N. Jackson	X			
Michael Collier Sr.	X			
Ernest Maxey Jr.	X			
Mayor Darren E. Bryant				
Total	6			

PASSED AND APPROVED on this __11TH__ day of __October__, 2022.


 Darren E. Bryant, Mayor

ATTEST:


 Sharon S. Dyson, Village Clerk