

100-0-13

AN ORDINANCE

Amending Provisions of the City Code Related to Fees and Costs for the Collection of Unpaid Fines

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Title 1, Chapter 4 of the Evanston City Code of 2012, as amended, "General Penalty," is hereby further amended by the enactment of a new Section 7 thereof, to read as follows:

1-4-7: COLLECTION COSTS; ATTORNEY'S FEES:

In addition to any other late penalty, interest, or other types of charges or costs provided for in this Code:

- (A) Any person who fails to pay any debt due and owing the City that is a result of that person's default in the payment of a fine or any installment of a fine, shall be liable for any costs and attorney's fees incurred by the City in the collection of said debt.
- (B) The City may charge a debtor specified in Subsection (A) of this Section collection costs and attorney's fees incurred by the City for collection of the fine. Any collection cost and/or attorney's fees billed shall be separately stated and identified in the City's billings. Any collection cost billed may be either the actual collection costs incurred as a result of the debtor's failure to pay the fine, or a set amount specified in a ruling to be published by the City, based on the average cost incurred by the City in collecting such fines generally.

SECTION 2: Subsection 11-2-2-(A) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (A) Violations of Subsection (B) of this Section 11-2-2, regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of wheel tax licenses within the City's borders, shall be civil offenses punishable by the fines and penalties provided for in this Chapter and in Sections 10-3-13, 10-4-18-2, 10-8-10, 10-11-17, and 10-12-3 of this Code, and no criminal penalty, or civil sanction other than that prescribed for the violation in the applicable Section of this Code shall be imposed. The foregoing shall not prohibit the City from charging collection costs and/or attorney's fees to persons in default of such fines.

SECTION 3: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statues and the courts of the State of Illinois.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.


SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: November 11, 2013

Approved:


Adopted: November 25, 2013


November 27, 2013


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel