

ORDINANCE NUMBER 2025-XX

AN ORDINANCE OF THE VILLAGE OF THORNTON ESTABLISHING THE ISSUANCE OF A
CERTIFICATE OF PAYMENT OF WATER SERVICE CHARGES AND OTHER MONETARY
OBLIGATIONS OWED TO THE VILLAGE PRIOR TO TRANSFER OF REAL ESTATE

WHEREAS, the Village of Thornton is a Home Rule municipality within the purview of Article VII, Section 6(a) of the Illinois Constitution (1970), and the said Village, therefore, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, persons within the Village bear the responsibility for payment of water service charges registered by their respective water meters and other outstanding monetary obligations owed to the Village; and

WHEREAS, transfers of real estate have occurred within the Village wherein certain persons have failed to pay for water service charges and other monetary obligations owed to the Village, thereby creating a financial burden on the Village which is ultimately passed through to Village residents and other entities that pay real estate taxes within the Village; and

WHEREAS, it is desirable for the Village to establish and maintain a mechanism to recapture unpaid water service charges, plus outstanding penalties for delinquent payments, if any, and other monetary obligations owed to the Village from persons who refuse to voluntarily pay such charges at the time these persons transfer real estate within the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Thornton, Cook County, Illinois, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: That Chapter **XX** entitled "**XXXXXXXXXX**" is hereby amended by the addition of **SEC. xxxxxx** which shall read as follows:

ARTICLE xxx

CERTIFICATE OF PAYMENT

Sec. xx-xxx – Required upon real estate transfer.

- (a) No real estate in the Village of Thornton shall be sold, quit claimed, traded or otherwise transferred unless it has been determined that the Village's water charges, grass cutting charges, ambulance charges, property maintenance charges and unpaid judgments related to the parcel, as of the most recent billing, have been paid in full, and that the owner of the real estate is otherwise not in debt to the Village, as evidenced by a transfer certificate issued by the Treasurer's Office.
 - (b) The requirement of obtaining a transfer certificate shall be mandatory on all transfers of ownership of or beneficial interest in real estate located within the Village. The requirement shall further be reflected on all real estate title insurance reports conducted precedent to the transfer of ownership to give public notice of the mandatory requirement of the transfer certificate. A certified copy of the ordinance codified in this Chapter shall be recorded with the Cook County Recorder of Deeds, and copies shall be sent to all title insurance companies with notice that a transfer certificate is required on any transfer of ownership of real estate in the Village.
 - (c) An application for a transfer certificate can be secured from the Treasurer's Office by any person owning real estate located within the Village or his agent or nominee. The application for a transfer certificate must be submitted to the Treasurer's Office during regular business hours not less than three (3) business days prior to any proposed sale, assignment or other transfer for any legal or beneficial interest of such real estate. A Certificate of Payment shall be prepared within three (3) business days from receipt of the application.
- (1) If the Treasurer or his/her designee determines that the applicant has paid in full all water charges, grass cutting charges, ambulance charges, property maintenance charges, and unpaid judgments as of the most recent billing, and that the owner is not otherwise in debt to the Village, the Treasurer shall issue a Certificate of Payment which must be submitted with the original deed or document of transfer in order to transfer property within the Village. The Certificate of Payment shall indicate that as of the date of the most recent billing, all water charges, grass cutting charges, ambulance charges, property maintenance charges and unpaid judgments have been paid in full and that the owner is not otherwise in debt to the Village. Any unbilled assessments as of the date of closing shall remain the responsibility of the owner of the real estate. The Certificate of Payment shall be valid for a period of thirty (30) days from the date of issuance. The Treasurer's Office shall keep a record of all Certificate of Payments on file in the Treasurer's Office and copies shall be furnished, upon request, to any person having a tenancy interest in the property.

- (2) If the Treasurer or his/her designee determines that the applicant has not paid in full all water charges, grass cutting charges, ambulance charges, property maintenance charges and unpaid judgments or that the owner is otherwise in debt to the Village, no Certificate of Payment shall be issued. The applicant will be given a report in a form adopted by the Treasurer's Office which indicates any water charges, grass cutting charges, ambulance charges, property maintenance charges and unpaid judgments and/or debts owed by the owner to the Village. When, and if, the applicant has paid the debt noted on the report, he shall reapply for a Certificate of Payment.

SEC. xxxxx – Appeal of refusal to issue.

- (a) Any person whose application for a Certificate of Payment has been denied may appeal to the Village Administrator and contest the findings contained on the report or request that the requirements of this Chapter be waived in his or her particular circumstances.
- (b) An appeal to the Village Administrator must be perfected by filing a notice of appeal with the Village Clerk. Such notice of appeal must be filed within ten (10) days from the date of issuance of the report denying the Certificate of Payment. The Village Administrator may grant a variance from the requirements of the Code only when the applicant can prove by a preponderance of the evidence that:
- (1) Compliance with the requirements of the Code will place an extreme hardship on the applicant; or
- (2) Physical conditions make compliance impossible.
- (c) The Village Administrator shall hold a hearing on the appeal within three (3) days of the filing of notice of appeal. It shall render a written decision at the close of the hearing or within seven (7) days of the close of the evidence, at the latest.

SECTION 3: That the Clerk of the Village of Thornton is authorized and directed to note the fact of the amendment hereby adopted in the Code.

SECTION 4: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be and the same are hereby repealed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval by law.

SECTION 6: That this Ordinance is authorized to be published in pamphlet form.