

**ORDINANCE NO. 2006-02**

**AN ORDINANCE ESTABLISHING AND CHARGING  
A FEE FOR RETURNED CHECKS BY THE  
ALGONQUIN-LAKE IN THE HILLS FIRE PROTECTION DISTRICT**

**WHEREAS**, the Algonquin-Lake in the Hills Fire Protection District (the "District"), McHenry and Kane Counties, Illinois, is a fire protection district duly incorporated under the laws of the State of Illinois [70 ILCS 705/1]; and

**WHEREAS**, the Illinois Fire Protection District Act (the "Act") grants a board of trustees of a fire protection district the authority to "fix, charge, and collect fees not exceeding the reasonable cost of the service for all services rendered by the District against persons, businesses and other entities who are not residents of the fire protection districts" [70 ILCS 705/11f(a)]; and

**WHEREAS**, in the normal course of its daily business, the District charges fees to residents and nonresidents for services rendered; and

**WHEREAS**, from time to time, the District finds it necessary to assess fines against violators of District ordinances, rules and regulations; and

**WHEREAS**, persons, businesses and other entities often write checks or drafts against personal or business checking accounts to pay the fees or fines due and owing to the District; and

**WHEREAS**, the District has encountered occasions when personal or business checks written to the District have been returned to the District without payment due to insufficient funds or other reasons; and

**WHEREAS**, the District is inconvenienced by the receipt of these bad checks and

must expend administrative time to attempt to seek the reissuance of checks or otherwise collect the amounts owed; and

**WHEREAS**, the Board finds that it is in the best interest of the District to assess a reasonable fee upon persons, businesses and other entities that submit checks to pay District fees or fines and said check is returned to the District without payment due to insufficient funds or other reasons.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Trustees of the Algonquin-Lake in the Hills Fire Protection District, McHenry and Kane Counties, Illinois, as follows:

**Section One:** Whenever the Algonquin-Lake in the Hills Fire Protection District is in receipt of a returned check for insufficient funds or other reason, the District shall assess a \$35 charge per check upon the person, business or other entity who issued the returned check. The \$35 charge per check may be assessed against fees and fines assessed pursuant to the following ordinances:

- A. Ordinance No. 2004-01. Emergency Medical Fee Charge Ordinance;
- B. Ordinance No. 2005-03. Fire Alarm and Detection Systems Ordinance;
- C. Ordinance No. 2005-04. False Fire Alarm Ordinance;
- D. Ordinance No. 2006-01. Nonresident Fee Ordinance;
- E. Ordinance No. 2004-107. Prehire Cost Reimbursement Ordinance;
- F. Ordinance No. 93-104. Hazardous Materials Ordinance;
- G. Ordinance No. 87-3. Nonresident Heavy Vehicle Fee Ordinance; and
- H. all Plan Review Fee Ordinances.

**Section Two:** The District shall retain any and all rights available to it to collect a civil judgment against the issuer of the returned check in accordance with 720 ILCS 5/17-1a.

**Section Three:** The District shall send each violator of this Ordinance a written

notice of their violation, copies of supporting documentation of the violation as well as an invoice for the \$35 charge per returned check.

**Section Four:** All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general corporate fund of the Algonquin-Lake in the Hills Fire Protection District.

**Section Five:** All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent that they may conflict.

**Section Six:** If any section, part or provision of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect the remaining sections of this Ordinance.

**Section Seven:** This Ordinance shall be in full force and effect from and after its passage, approval and publication. The Secretary is hereby directed to publish this Ordinance as required by law.

**ADOPTED** this 19<sup>th</sup> day of April, 2006, pursuant to a roll call vote as follows:

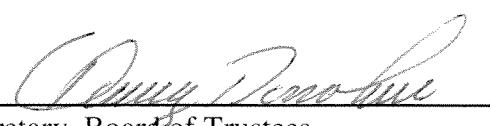
AYES: Bemis, Donohue, DuCharme

NAYS: none

ABSENT: none

  
\_\_\_\_\_  
President, Board of Trustees  
Algonquin-Lake in the Hills Fire Protection District

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Trustees  
Algonquin-Lake in the Hills Fire Protection District

STATE OF ILLINOIS        )  
                              )        SS  
COUNTY OF McHENRY    )

**SECRETARY'S CERTIFICATE**

I, **TRACY DONOHUE**, the duly qualified and acting Secretary of the Board of Trustees of the Algonquin-Lake in the Hills Fire Protection District, McHenry and Kane Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

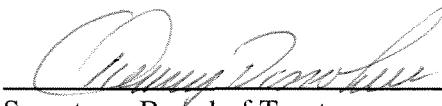
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which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 19<sup>th</sup> day of April, 2006.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of April, 2006.

  
\_\_\_\_\_  
Secretary, Board of Trustees  
Algonquin-Lake in the Hills Fire Protection District