

ORDINANCE NO. 3983

**AN ORDINANCE AMENDING TITLE FIFTEEN, CHAPTER 15.38 OF THE MUNICIPAL CODE OF WHEELING - REAL ESTATE TRANSFER CERTIFICATE**

**WHEREAS**, the Village of Wheeling, Lake and Cook Counties, Illinois (the "Village") is a home rule municipality, pursuant to Article 7, Section 6 of the Illinois Constitution of 1970 and is acting pursuant to its home rule powers in enacting this ordinance.

Be It Ordained by the President and the Board of Trustees of the Village of Wheeling, Cook and Lake Counties, Illinois, as follows:

**SECTION 1:** That Title 15, Chapter 15.38 is hereby added to the Wheeling Municipal Code and shall read as follows:

Chapter 15.38

Real Estate Transfer Certificate

Sections:

15.38.010     Required upon real estate transfer.  
15.38.020     Appeal of refusal to issue.

15.38.010     Required upon real estate transfer.

- (a)     No real estate in the Village of Wheeling shall be sold, quit claimed, traded or otherwise transferred unless it has been determined that the Village's water, sewer and garbage disposal assessments related to the parcel, as of the most recent billing, have been paid in full, as evidenced by a Transfer Certificate issued by the Director of Finance.
- (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 this ordinance shall be recorded with the 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 office of the Director of Finance by any person owning real estate located within the Village or his agent or nominee. The application for Transfer Certificate must be submitted to the Director of Finance during regular business hours not less than 7 business days prior to any proposed sale, assignment or other transfer for any legal or beneficial interest of such real estate or as soon as is practical to allow sufficient time for the Finance Director or his designee to determine if the applicant has met the requirements for a Transfer Certificate.

(1) If the Finance Director or his designee determine that the applicant has paid in full all water, sewer and garbage disposal assessments as of the most recent billing, the Finance Director shall issue a Transfer Certificate which must be submitted with the original deed or document of transfer in order to transfer property within the Village. The Transfer Certificate shall indicate that as of the date of the most recent billing, all water, sewer and garbage disposal assessments have been paid in full. Any unbilled assessments as of the date of closing shall remain the responsibility of the owner of the real estate. The Transfer Certificate shall be valid for a period of thirty days from the date of issuance. The Finance Department shall keep a record of all Transfer Certificates on file in the office of the Finance Department, and copies shall be furnished, upon request, to any person having a tenancy interest in the property.

(2) If the Finance Director or his designee determines that the applicant has not paid in full all water, sewer and/or garbage disposal assessments, no Transfer Certificate shall be issued. The applicant will be given a report in a form adopted by the Finance Department which indicates any water, sewer or garbage assessments owed to the Village. When, and if, the applicant has paid the debt noted on the report, he shall reapply for a Transfer Certificate.

15.38.020 Appeal of refusal to issue.

(a) Any person whose application for a Transfer Certificate has been denied may appeal to the Board of Trustees 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 Board of Trustees must be perfected by filing a notice of appeal with the Village Clerk. Such notice of appeal must be filed within ten days from the date of issuance of the report denying the Transfer Certificate. The Board of Trustees 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 Board of Trustees shall hold a hearing on the appeal within seven days of the filing of the notice of appeal. It shall render a written decision at the close of the hearing or within seven days of the close of the evidence, at the latest.

**SECTION 2:** That this Ordinance shall go into effect on August 1, 2005.

Trustee Argiris moved, seconded by Trustee Brady, that Ordinance No. 3983 be passed.

PASSED this 13<sup>th</sup> day of June, 2005.

Trustee Abruscato Yes

Trustee M. Horcher Yes

Trustee Argiris Yes

Trustee P. Horcher Yes

Trustee Brady Yes

Trustee Heer Yes  
President Klatschki Yes

APPROVED this 13<sup>th</sup> day of June, 2005.

[Signature]  
Village President

ATTEST:

[Signature]  
Elaine E. Simpson, Village Clerk



APPROVED AS TO FORM ONLY:

[Signature]  
Village Attorney

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