

ORDINANCE NUMBER 2019-01

AN ORDINANCE AMENDING ORDINANCE NUMBER 2012-01 ESTABLISHING RATES, FEES AND CHARGES IN CONNECTION WITH THE USE OF THE WATERWORKS, WASTEWATER RECLAMATION AND REUSE SYSTEMS OWNED OR OPERATED BY, OR LOCATED WITHIN THE BOUNDARIES OF, THE MILL CREEK WATER RECLAMATION DISTRICT

WHEREAS, the Board of Trustees (the "Board of Trustees") of the Mill Creek Water Reclamation District (the "District") previously adopted Ordinance Number 2012-01 on January 17, 2012 ("2012 Rate Ordinance") establishing certain rules, regulations, requirements, fees and charges ("User Charges") in connection with the connection to and use of the wastewater reclamation and reuse system (the "Wastewater System") and the water supply and distribution system (the "Water Supply System") owned and operated by and located within the boundaries of, the District (collectively, the "Systems"); and

WHEREAS, Section 2 (Meters) of Article II (User Fees) of the 2012 Rate Ordinance requires the District to periodically read the water usage meters in order to issue bills to customers; and

WHEREAS, the Board of Trustees finds that from time to time customers have refused to permit District personnel to replace or repair defective or outdated meters; and

WHEREAS, the inability to accurately determine a customer's usage of water deprives the District of revenue for its services; and

NOW, THEREFORE, be it and it is hereby ordained by the Board of Trustees of the Mill Creek Water Reclamation District, Kane County, Illinois, as follows:

SECTION 1: That Section 2 of Article II of Ordinance Number 2012-01 is hereby deleted and the following is substituted therefor, *instanter*:

"SECTION 2. Reading Meters. The District shall cause every water meter used in the District to be read at such time as are necessary to ensure that bills are sent out at the times required by the District. In the event the District determines that a water meter requires repair or replacement, the District shall notify the customer, in writing, that the meter requires repair or replacement, as the case may be, and request the customer to permit access to the meter. If the customer refuse to permit, or delays the repair or replacement of the meter for more than thirty (30) days, the District shall estimate future meter reading by taking the seasonal average water consumption for the customer at the then applicable rate

plus 10% of this sum and the District shall have the right to disconnect the District's Systems from the customer's property and to discontinue service without any further notice to the owner. Such service shall not be reinstated and the District's Systems not re-connected until the required repair or replacement of equipment is made and all outstanding bills, including any then current bill and all applicable late fees and charges, are paid in full, together with (i) an administration fee of \$50 and (ii) the District's then current fee for turning on the water and reconnecting such Systems, which amount shall be not less than \$50.00."


SECTION 2. Conflict. All ordinances or parts of ordinances or other rules and regulations of the District, which are in conflict herewith, are hereby repealed.

SECTION 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. In the event that any part of this Ordinance shall be deemed to be illegal, invalid, or unenforceable, such portion of this Ordinance shall be deemed severed from this Ordinance and shall not affect the remaining portions of the Ordinance which shall be given their full force and effect.

SECTION 4. Ordinance in Force. Except as hereby amended by this Ordinance, Ordinance Number 2012-01 as heretofore amended shall remain in full force and effect. This Ordinance shall be effective and in full force from and after its passage, approval, and publication as provided by law.

Passed and adopted by the Board of Trustees of the Mill Creek Water Reclamation District of the County of Kane, State of Illinois on the 27th day of October, 2019.

Ayes: 3 Nays: 0 Absent: 0 Abstaining: 0 Holding Office: 3



President, Mill Creek Water Reclamation District

Publication Date: