

ORDINANCE NO. 91-1

AN ORDINANCE ESTABLISHING COMBINED PROCEDURES FOR COLLECTING DELINQUENT SEWER AND WATER ACCOUNTS AND DISCONNECTING SERVICE THEREFORE AND AMENDING ORDINANCES NOS. 83-14 AND 88-5

WHEREAS, the Village of Chapin, Illinois passed and approved Ordinance No. 83-2 as amended by Ordinance 88-5, an Ordinance Establishing Rates for the Use and Services of the Water Works System of the Village of Chapin, and Providing for the Collection Therefor and such Ordinance is currently in effect and existence; and

WHEREAS, the Village of Chapin, Illinois passed and approved Ordinance No. 83-14, an Ordinance Establishing Charges and Rates for Sewer Service and Regulating the Use of Public and Private Sewers and Drains, the Installation and Connection of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System; and Providing for Penalties for Violations of Sections Thereof; in the Village of Chapin, Morgan County, Illinois; and

WHEREAS, to facilitate the collection of delinquent accounts for said sewer and water service, pursuant to Section 11-139-8 of Chapter 24, Illinois Revised Statutes, 1989, the Village of Chapin, Illinois desires to provide for combined billing for sewer and water services and combined collection procedures of delinquent accounts.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Reading of Meter. Meters shall be read by the Village on or about the 15th day of each month. If weather

conditions or other circumstances prevent the reading of meters, then each bill shall be estimated by the Village and the amounts estimated will be due as though the meters were read.

Section 2. Combined Bills and Due Dates. A combined bill for water service and sewer service shall be sent by the Village based upon the schedule of rates in effect at that time. Bills shall be due and payable on the first day of each month after the meters are read and shall be delinquent on the 10th day of each month. Bills shall be paid to the Village Treasurer or designated representative.

Section 3. Ten Percent (10%) Penalty. A ten percent (10%) penalty shall be added to the outstanding balance of each bill unpaid by the 10th day of each month.

Section 4. Disconnection of Service.

(a) If any bills remain unpaid thirty (30) days after the 10th day of the month the bill became delinquent, water and sewer service to the property affected shall be disconnected.

(b) Service shall not be reconnected until all delinquent charges, current charges for combined service, fees and penalties on all unpaid charges, a \$30.00 reconnect fee and a \$35.00 deposit fee for future service has been paid to the Village.

Section 5. Lien-Notice of Delinquency

(a) Bills remaining unpaid thirty (30) days after the 10th day of the month the bill becomes delinquent shall constitute a lien upon the real estate to which the service has been rendered. The Village Clerk is hereby authorized and directed to determine the amount of unpaid charges and penalty and to file a notice of such lien in the

Office of the Morgan County Clerk, Morgan County, Illinois, and to pursue such legal action as is necessary to collect the delinquent charges. The user and the owner of the premises shall be jointly and severally liable to pay for all fees, court costs and attorney fees incurred by the Village in collecting the amount due and/or foreclosing the lien.

(b) If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Village Treasurer, whenever such bill remains unpaid for the period of thirty (30) days for a monthly bill after it has been rendered.

(c) The failure of the Village Treasurer to record such lien or to mail such notice shall not affect the right to collect the unpaid bill or foreclose the lien for unpaid bills as mentioned in the foregoing section.

Section 6. Appeal. In the event any user disputes the amount of a bill, the user shall file a written complaint with the Village Clerk within ten (10) days after the bill is mailed. The Clerk shall advise the complainant and the owner if complainant is not the owner, of a hearing date within five (5) days thereafter. The hearing shall be held in the Village Hall at the time specified by the Village Clerk. The Village Clerk and one Trustee or the Village President shall constitute the hearing board. The hearing board may either (1) adjust the bill; (2) extend time for payment; or (3) order bill paid.

Section 7. Foreclosure of Lien

(a) Property subject to a lien for unpaid charges shall be sold

for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of mortgages on real estate. Such foreclosure shall be in the same manner as provided for foreclosure of mortgages on real estate. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid thirty (30) days after the 10th day of the month the bill became delinquent.

(b) The Village may also sue the occupant or user of the real estate in a civil action to recover money due for water and sewerage services, plus costs and reasonable attorney's fees, to be fixed by the Court, all in accordance with the Statute and may employ special counsel to do so if it deems fit.

Section 8. Deposit

(a) All new users, and all users who have their water service disconnected for nonpayment of water and sewer charges, shall be required to pay a thirty-five (\$35.00) deposit to guarantee payment of subsequent water and sewer charges. Service shall not be connected or reconnected until the Village has received such deposit.

(b) Unless forfeited as provided herein, deposits shall be refunded when a user who has paid all water and sewer charges in full moves from his or her residence.

(c) Deposits shall be forfeited to the Village and applied to bills, fees, penalties and costs which remain unpaid thirty (30) days after the 10th day of the month the bill became delinquent; provided,

however, forfeited deposits shall not be applied to the reconnect fee.

Section 9. Joint and Several Liability. All charges for water and sewer service shall be to the user who has made application for such service. The owner of the premises and the occupant thereof shall be jointly and severally liable to pay for the service on said premises, and the service is furnished to the premises by the Village of Chapin only upon the condition that the owner of the premises and the occupant are jointly and severally liable therefore to the Village of Chapin. If the owner of the premises is different from the occupant of the premises, then the owner shall provide notice to the Village Treasurer of the owner's name and current mailing address.

Section 10. Discharge into Sewers. No water source other than treated Village water from the Village municipal water supply and system shall be discharged into any main, sewer pipe, building, plumbing or any appurtenances thereto within the corporate limits. No water pipes, hose, drains, or other water connections shall be made directly to or within any sewer, drain pipe, storm drain or any other possible source of contamination. A minimum air break of six inches (6") shall be required. No treatment, chemical, additions or other modifications of Village water will be permitted, except commercial boiler treatment and house softeners. Water service violators of this provision shall have their water terminated immediately.

Section 11. Returned Checks. There shall be assessed a charge

of \$10.00 on all checks returned to the Village due to insufficient funds.

Section 12. Conflicting Clauses Repealed. Sections 4 through 6 of Ordinance No. 83-2 as amended by Ordinance No. 88-5 and Section 5(H) through 5(K) of Ordinance No. 83-14 are hereby repealed. All other ordinances, resolutions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 13. Savings Clause. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, such invalidity shall not affect any other sections, paragraphs, clauses or provisions herein.

Section 14. Effective Date. This Ordinance shall be in full force and effect ten (10) days after passage, approval and publication in pamphlet for as required by law.

PASSED at a regular meeting of the President and Board of Trustees of the Village of Chapin this 6th day of February, 1991.

AYES: _____

NAYS: _____

ABSENT: _____

Shirley Coffman

VILLAGE CLERK

APPROVED this 6th day of February, 1991.

Ray Hill

VILLAGE PRESIDENT

ATTEST:

Shirley Coffman

VILLAGE CLERK

(SEAL)

of 1900 and all other matters referred to in this report

Page 1

Section 12. Controlling Officer's Report, Section 4 through

of Ordinance No. 2-2 as amended in Ordinance No. 2-2 and

Ordinance (K) through (K) of Ordinance No. 2-2 as amended in

all other ordinances, resolutions or orders in conflict with

the provisions of this ordinance and to the extent of such conflict,

being hereby repealed.

Section 13. Savings Clause. If any provision hereof shall be

invalid or unenforceable in any particular, the remainder of this ordinance shall be

valid and enforceable in all other respects, and the provisions hereof

shall be severable.

Section 14. Effective Date. This ordinance shall be in full

force and effect on the day after its passage, approval and

publication in accordance with the provisions hereof.

PASSED at a regular meeting of the Board of Supervisors and Board of

Directors of the County of Santa Clara, California, this 15th day of February, 1921.

COUNTY CLERK

SANTA CLARA COUNTY

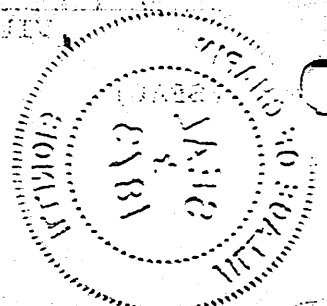
SANTA CLARA COUNTY

COUNTY CLERK

APPROVED this 15th day of February, 1921.

COUNTY CLERK

COUNTY CLERK



STATE OF ILLINOIS)
)
COUNTY OF MORGAN) SS

I, SHIRLEY COFFMAN, Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that the foregoing and attached copy of Ordinance No. 91-1 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Chapin, at a regular meeting of said President and Board of Trustees held on the 6th day of February, 1991, all as the original of the same remains on file in the records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, this 6th day of February, 1991.



Village Clerk

(SEAL)



42,722.22

OFFICE OF THE CLERK

22

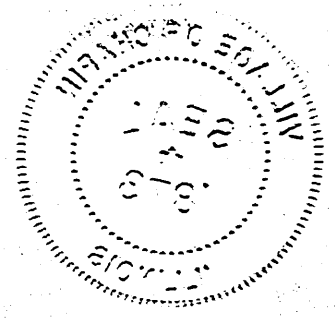
COUNTY OF MORRIS

I, SHERBY COVINA, Village Clerk of the Village of Chicago, Illinois, do hereby certify that the foregoing and attached copy of Ordinance No. _____ as amended and passed by the Board of Trustees and Council of the Village of Chicago, at a regular meeting of said Board and Council on the _____ day of _____, 1991, and as the original of the same remains on file in the records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chicago, this _____ day of _____, 1991.

1991

Village Clerk



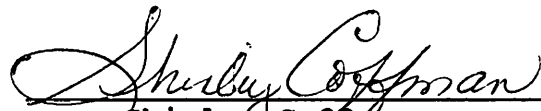
STATE OF ILLINOIS)
)
COUNTY OF MORGAN) SS.

I, SHIRLEY COFFMAN, certify that I am the duly elected and acting Village Clerk of the Village of Chapin, Morgan County, Illinois.

I further certify that on the 6th day of February, 1991, the President and Board of Trustees of the Village of Chapin, Illinois passed and approved Ordinance No. 91-1 entitled "AN ORDINANCE ESTABLISHING COMBINED PROCEDURES FOR COLLECTING DELINQUENT SEWER AND WATER ACCOUNTS AND DISCONNECTING SERVICE THEREFORE AND AMENDING ORDINANCES NOS. 83-14 AND 88-5", which provided by its terms that it should be published in Pamphlet Form.

The Pamphlet Form of Ordinance No. 91-1, including the Ordinance and a cover sheet thereof was prepared on the 6th day of February, 1991, and a copy of such Ordinance was posted in the Village Hall commencing on the 6th day of February, 1991, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Jacksonville, Illinois, this 6th day of ~~January~~ FEBRUARY, 1991.



Shirley Coffman
Village Clerk
Village of Chapin, Illinois

(SEAL)



STATE OF ILLINOIS
COUNTY OF DEKALB

BEFORE ME, the undersigned authority, on this _____ day of _____, 19____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Handwritten signature]

Notary Public
State of Illinois

