

VILLAGE OF CHAPIN

ORDINANCE NO. 2007-9

AN ORDINANCE REPEALING ORDINANCE NO. 91-1
AND ESTABLISHING REVISED PROCEDURES FOR
COLLECTING DELINQUENT SEWER AND WATER ACCOUNTS
AND DISCONNECTING SERVICE THEREOF

ADOPTED BY

THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS,
ON THE 14 DAY OF November, 2007

Published in pamphlet form by authority of the
President and Board of Trustees
of the Village of Chapin, Morgan County, Illinois,
on the 14 day of November, 2007

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AND ESTABLISHING REVISED PROCEDURES FOR
COLLECTING DELINQUENT SEWER AND WATER ACCOUNTS
AND DISCONNECTING SERVICE THEREOF**

WHEREAS, on February 6, 1991, the corporate authorities 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 Therefor and Amending Ordinance Nos. 83-14 and 88-5*; and

WHEREAS, the corporate authorities of the Village of Chapin, Illinois, believe it is in the best interests of the residents of the Village to revise and amend its procedures for collecting delinquent sewer and water accounts and disconnecting service thereof.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, as follows:

SECTION 1. Ordinance No. 91-1 adopted February 6, 1991, is hereby repealed.

SECTION 2. The corporate authorities of the Village of Chapin, Illinois, hereby adopt the following combined procedures for collecting delinquent sewer and water accounts and disconnecting service thereof:

Section A. **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 B. **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 20th day of the month. Bills shall be paid to the Village Treasurer or designated representative.

Section C. **Penalties.** A ten percent (10%) penalty shall be added to the outstanding balance of each bill unpaid by the 20th day of each month. In addition to said penalty, a \$10.00 administrative fee will be charged to all accounts that are delinquent for more than thirty (30) days and that have been mailed a notice of delinquency by the Village.

Section D. **Disconnection of Service.**

(1) If any bills remain unpaid thirty (30) days after the 20th day of the month the bill became delinquent, water and sewer service to the property affected shall be disconnected.

(2) Service shall not be reconnected until all delinquent charges, current charges for combined service, fees and penalties on all unpaid charges, a \$75.00 reconnect fee and a \$75.00 deposit fee for future service have been paid to the Village.

Section E. **Lien-Notice of Delinquency.**

(1) Bills remaining unpaid thirty (30) days after the 20th 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 Recorder, 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.

(2) 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 or her 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.

(3) 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 F. **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 the 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 (a) adjust the bill; (b) extend the time for payment; or (c) order the bill paid.

Section G. **Foreclosure of Lien.**

(1) Property subject to a lien for unpaid charges shall be sold for non-payment 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 20th day of the month the bill became delinquent.

(2) 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 attorneys' fees to be fixed by the court, all in accordance with statute, and may employ special counsel to do so if it deems fit.

Section H. Deposit.

(1) All new users, and all users who have their water service disconnected for non-payment of water and sewer charges, shall be required to pay a \$75.00 deposit to guarantee payment of subsequent water and sewer charges. Service shall not be connected or reconnected until the Village has received such deposit.

(2) 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.

(3) Deposits shall be forfeited to the Village and applied to bills, fees, penalties and costs which remain unpaid thirty (30) days after the 20th day of the month the bill became delinquent; provided, however, forfeited deposits shall not be applied to the reconnect fee.

Section I. 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 therefor 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 J. **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 K. **Returned Checks.** There shall be assessed a charge of \$10.00 on all checks returned to the Village due to insufficient funds.

SECTION 3. All ordinances, resolutions or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. 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 5. This ordinance shall be in full force and effect ten (10) days after passage, approval and publication in pamphlet form as required by law.

Passed at a regular meeting of the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, this 14 day of November, 2007.

Ayes 5

Nays 0

Absent _____

Abstain 1

Mick J. Dinomoro
Village Clerk

Approved this 14 day of November, 2007.

Jan Walker
Village President

Attest:


Mitch J. Dinomoro
Village Clerk

(SEAL)

STATE OF ILLINOIS)
)ss
COUNTY OF MORGAN)

I, Mikka Dinsmore, Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that the foregoing and attached copy of Ordinance No. 2007-9 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 Board of Trustees held on the 14 day of November, 2007, as appears from the original ordinance now on file in my office.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of the Village of Chapin, this 14 day of November, 2007.



Village Clerk

(SEAL)

STATE OF ILLINOIS)
)ss
COUNTY OF MORGAN)

I, Mikka Dinsmore, hereby 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 14 day of November, 2007, the President and Board of Trustees of the Village of Chapin, Illinois, passed and approved Ordinance No. 2007-9, entitled "*An Ordinance Repealing Ordinance No. 91-1 and Establishing Revised Procedures for Collecting Delinquent Sewer and Water Accounts and Disconnecting Service Thereof*" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2007-9, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted at the Village Hall commencing on the 14 day of November, 2007, 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 Chapin, Illinois, this 14 day of November, 2007.

Mikka J. Dinsmore
Village Clerk