

CHAPTER 4
**COMBINED WATERWORKS AND SEWERAGE SYSTEM
(VILLAGE UTILITY SERVICE)**

- 6A-4-1 Systems Combined
- 6A-4-2 Service Rates, Charges
- 6A-4-3 Water and Sewer Connection, Fees
- 6A-4-4 Meter Readings
- 6A-4-5 Superintendent to Render Bills
- 6A-4-6 Liability for Payment
- 6A-4-7 Discontinuing Utility Service
- 6A-4-8 Procedure on Nonpayment of Bills
- 6A-4-9 System of Accounts
- 6A-4-10 Access to Records
- 6A-4-11 Effective Date of Rates
- 6A-4-12 Penalty
- 6A-4-13 Payment Plan Agreements

6A-4-1 SYSTEMS COMBINED

The existing waterworks system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made and the sewerage system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, of the Village, be and the same are hereby declared to be a combined system, and said combined waterworks and sewerage system shall be maintained and operated as a single utility and two separate charges or rates shall be established for the use of the waterworks and sewerage system which shall be reasonable and commensurate with the service performed by said combined system, and shall be sufficient to maintain, operate and provide an adequate depreciation fund and pay the principal and interest on any revenue bonds which may be issued which, by their terms, are made payable from the revenues of such combined system.

All property, real, personal and mixed, comprising the now existing waterworks system and sewerage system shall be and the same is hereby found, determined and declared to constitute the properties of the combined waterworks and sewerage system of the Village.

From and after the effective dates hereof, said existing waterworks system and said sewerage system shall be owned and operated by the Village as a combined utility, known as the Village Utility System of the Village, and all improvements and extensions to said waterworks or sewerage system, either or both, shall be considered as improvements and extensions to the combined utility; and all the properties, assets, obligations and liabilities, of all kinds of said waterworks system and of said sewerage system, existing, outstanding and accruing or to accrue, shall be held, used, confessed and acknowledged as the properties, assets, obligations and liabilities of said combined system.

6A-4-2 SERVICE RATES, CHARGES Amended, 04-05-721

There shall be and there are hereby established rates or charges for the use of the sewerage system which are set forth in Section 6A-2-2 and rates or charges for the use of the waterworks system which are set forth in Section 6A-3-3. The rates for both the sewerage system and the waterworks system shall be charged to the owner of the property occupied by and/or utilized by the user of said system, and are based upon the amount of water consumed, as shown by the water meters.

6A-4-3 METER READINGS

Water users are required to report their meter readings within 15 days after meter reading cards are issued by the Water and Sewer Department. When meter reading cards are not received within 15 days after their issuance usage will be estimated and a penalty of \$10.00 shall be added to the bill.

6A-4-4 WATER AND SEWER CONNECTIONS, FEES Amended, 05-06-767, 05-06-763, 03-04-716, 00-01-667, 00-01-659, 99-00-641, 537

- A. Connections. All connections with the Village water and sewer systems shall be made and all work done by the Village. The Village shall supervise all work done on water and sewer connections. Applications for water tapplings and sewer connections shall be made to the Building and Zoning Officer. Both the water tapping and sewer connection fee shall be paid at the same time to the Building and Zoning Officer.
- B. Water Connection Fees. The water connection fee, including the cost of up to a 3/4-inch meter but excluding the cost of labor and parts, shall be \$300 plus the following amounts based on the size of the water service line:

SIZE OF LINE	FEE
1-inch	\$1,500
1½-inch	\$1,800
2-inch	\$2,250
2½-inch	\$2,600
3-inch	\$2,875
4-inch	\$3,200
5-inch	\$3,450
6-inch	\$4,025
8-inch	\$4,600
10-inch or larger	\$5,200

C. Sewer Connection Fees: the sewer connection fees shall be as follows:

Up to a 4-inch main: \$4,300;
6-inch main, \$5,500; and
8-inch main or larger, \$8,000.

The connection fee for an 8-inch main for commercial, industrial and institutional uses shall be based on the foregoing rates of each 21.88 cubic feet per day of usage plus \$8,000, as determined by the Public Works Director and Village Engineer.

6A-4-5 SUPERINTENDENT TO RENDER BILLS

It is the duty of the Superintendent to render bills for Village Utility Service, and all other charges in connection therewith and to collect all monies due thereon.

6A-4-6 LIABILITY FOR PAYMENT *Amended, 2021-22-1000, 17-18-932, 12-13-879, 09-10-842*

Any and all users of the premises shall be jointly and severally liable to pay for Village utility service to said premises, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and any and all users of the service are jointly and severally liable therefore to the Village. If the owner of record is a land or other trust, such land or other trust shall disclose to the Village the beneficiaries of such trust each of whom shall be deemed to be an owner for purposes of the Village utility account. If the owner of record is a corporate entity, such as a corporation or limited liability company, by way of example without limitation, such entity shall disclose each owner of an interest in such entity and shall be deemed an owner for purposes of the Village utility account.

Water service shall only be provided to the owner(s) of record of a property upon receipt by the Village of an application for same by the relevant owner(s) of record of the relevant property. The account established pursuant to such application shall be in the name of such owner(s) except as set forth above. Accounts may have a second name as well such as that of a tenant. All bills shall be mailed to the persons in whose name the account is listed. The Village shall not be responsible for forwarding bills to tenants or other persons who are not listed as being on the account. Bills shall be rendered on a monthly basis, and shall be payable on or before the first day of the immediately following month (for example, a bill mailed on June 10 shall be payable on or before the immediately following July 1). If payment of the full amount of the bill is not made on or before the first day of the immediately following month then a penalty of 10 percent of the amount of the bill shall be added.

6A-4-7 DISCONTINUING UTILITY SERVICE *Ord. 01-02-689; Amended, 09-10-842, 17-18-932*

Except as provided herein, the joint and several liability of any users of the premises shall include all charges due and owed pertaining to such premises regardless of the date that person became a user pursuant to this Chapter or any preceding ordinance of the Village. In the event any premises are sold, transferred or assigned to another (hereinafter referred to as the "transfer-ee") by any person or entity theretofore responsible for payment of charges (hereinafter referred

to as the “transferor”), it shall be the responsibility of both the transferor and transferee to notify, in writing, the Water and Sewer Department (the “Department”) of the intended transfer no less than five working days prior to the date of the intended transfer of the premises with a final meter reading. After the Water and Sewer Department has verified the meter reading a final bill will be issued based on the actual water consumption and include the full water system base charge for the month pursuant to Section 6A-3-3 of this Code and the basic user charge, capital improvement charge and collection system charge pursuant to Section 6A-2-2 of this Code. Department certification be obtained for all real property that is sold and connected to the Village potable water system. Such certification shall be evidence that all fees owed the Department have been paid in full at the time of issuance of such certification. It is the obligation of both the owner and prospective buyer of the relevant real estate to obtain a Department certification. Upon full payment thereof, the transferor shall thereafter be relieved of any further responsibility for such service. In the event the Village is not so notified of such transfer, the transferee shall be deemed jointly and severally liable with the transferor for all unpaid charges for the premises incurred up to and including the date of the transfer, as well as thereafter. No existing service shall be deemed transferable without a new application being submitted to the Village and payment in full of all outstanding charges and fees assessed to the existing account for the subject property.

6A-4-8 PROCEDURE ON NONPAYMENT OF BILLS *Amended, 12-13-879, 12-13-877, 08-09-836, 02-03-695*

- A. Notice of Termination: In the event the bill remains unpaid on the 30th day after the rendering of the bill for such service mailing of the aforesaid Reminder Notice, the following Notice of Termination shall be made to the owner of the premises, occupant and/or user of the service. The Notice of Termination shall be in substantially the following form and shall be served through regular mail, certified mail, hand delivery or posting on the subject property.

NOTICE OF TERMINATION

You have failed to reply to our previous requests for payment of your water and sewer bill. Failure to pay your overdue account will result in **disconnection of service which will commence on the date indicated on this notice**. In order to avoid disconnection, your bill must be paid at the Village Hall no later than 5 p.m. on the day prior to the date indicated on this notice. After 5 p.m., an administrative processing fee of \$35.00 shall be assessed.

If service is disconnected, the building will be red-tagged as “unfit for human occupancy.”

Services shall not be reinstated until the bill, together with the administrative processing fee, if applicable, plus a \$35.00 water disconnection fee, \$35.00 water reconnection fee, a \$100.00 sewer disconnection fee, and a \$100.00 sewer reconnection fee, as the case may be, have been paid. You will also be liable for any costs incurred by the Village associated with its disconnecting and reconnecting utility service. Reinstatement between 4

p.m. and 7 a.m. on weekdays, or at any time on weekends and holidays, will require payment of a further surcharge in the amount of \$40.00.

If you contest or object to the amounts identified above, or have any questions regarding this matter, you must contact the Public Works Superintendent on weekdays between the hours of 6:30 a.m. and 4 p.m. The Public Works Superintendent may conduct either a telephonic or an in-person informal hearing to consider your questions or objections. If you are not satisfied with the decision of the Public Works Superintendent you may appeal that decision within two business days of the date of that decision to the Village President. Any objection or complaint with regard to the amount due identified above, must be made to the Public Works Superintendent not less than seven business days after the date of this Notice of Termination.

DATE OF DISCONNECTION: _____

By: _____
Public Works Superintendent

- B. Right of Termination: The Village may terminate utility service to any property where any portion of the charges for the aforesaid services together with any late fees or penalties have not been paid on or before the date of disconnection contained in the Notice of Termination. In no event shall the date of disconnection identified in a Notice of Termination be earlier than seven days after its mailing by first class mail or certified mail or five days after delivery either in hand or by posting on the property.

This Section 6A-4-8 shall not abridge or limit the Village's right or ability to terminate utility service upon the owner's request, or temporarily disconnect or discontinue utility service in order to conduct repairs or maintenance upon the utility system or for other emergency purposes.

- C. Recorder of Deeds: Whenever a bill for Village utility service remains unpaid for 30 days after it has been rendered the Village Treasurer shall file with the McHenry County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises services, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

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 the address be known to the Treasurer, whenever such bill remains unpaid for the period of 105 days for a quarterly bill and 45 days for a monthly bill after it has been rendered.

The Village Treasurer is authorized to release any lien recorded for delinquent Village utility service charges and penalties plus the cost of filing the lien and a release fee of \$50 for any incidental costs or charges incurred for recording such lien.

The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in this Section 6A-4-8.

- D. 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 in the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. 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 quarterly bill has remained unpaid for 105 days after it has been rendered and for which the monthly bill has remained unpaid for 45 days after it has been rendered.

6A-4-9 SYSTEM OF ACCOUNTS

- A. Sewer Revenues. All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sums, without any deductions whatever, shall be delivered to the Village Treasurer not more than 10 days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.
- B. Water Revenues. All revenues and moneys derived from the operation of the water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sums, without any deductions whatever, shall be delivered to the Village Treasurer not more than 10 days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.
- C. Accounts. The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the Village Utility Service, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the Village Utility Service.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the Village Utility Service. The report shall also include, for the sewer system, a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- 1. Flow data showing total cubic feet received at the wastewater plant for the current fiscal year.

2. Billing data to show total number of cubic feet billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.
6. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

6A-4-10 ACCESS TO RECORDS

The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the loan agreement and rules of any state loan.

6A-4-11 EFFECTIVE DATE OF RATES

The sewerage rates and services charges established for user charges and industrial cost recovery in this Title shall be effective as to each user at the time each user begins to use the service of the new sewerage treatment facilities.

6A-4-12 PENALTY

Any person violating any provisions of this Chapter shall be fined not more than \$1,000 for each offense.

6A-4-13 PAYMENT PLAN AGREEMENTS 18-19-956

With respect to any person who has entered into a payment plan agreement with the Village, the Village will not impose late charges on any such person who is in compliance with the relevant payment plan and is otherwise in compliance with amounts due the Village. This ordinance is retroactive and applies to any current payment plan in effect entered into by the Village.