

ORDINANCE 2008-O-10

**AN ORDINANCE AMENDING WATER BILLING PROCEDURES
OF THE MUNICIPAL CODE OF WINTHROP HARBOR**

WHEREAS, the Village's water billing procedures have proved to be inadequate to deal with scofflaws, often tenants, who fail to pay the bills, or delay in payment, leaving the Village to cope with decreased cash flow and the need to fund water purchases from monies that could much better be used elsewhere, and

WHEREAS, the Superintendent of Public Works and the Village Clerk have reviewed the existing ordinance provisions dealing with water billing procedures and have had the Village Attorney prepare modifications that taken together, they believe will improve collections, including the speed of payment as well as ensuring that payment is properly made, but without imposing a burden on the large majority of citizens and property owners that pay their bills promptly and in full when due,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 50.006 of the Winthrop Harbor Municipal Code is hereby amended by the addition of subsections E and F, and it shall hereafter read as follows:

§ 50.006 BILLING PROCEDURE.

(A) Rates or charges for service for the combined system shall be payable monthly or quarterly depending on the classification of service for which bills are rendered.

(B) The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefor to the village. Irrespective of any change in ownership of premises, each parcel of real estate for which application for building sewer and water service has been filed and accepted by the village shall be liable for the payment of the monthly or quarterly charge for service.

(C) Bills for the combined system shall be sent out by the Village Clerk on the first day of the month or quarter succeeding the period for which the service is billed.

(D) All bills for service are due and payable twenty days after being sent out. A penalty of 10% shall be added to all bills not paid by the twentieth day after they have been rendered.

(E) A deposit of \$100.00 shall be paid by any person or property owner seeking to have water service turned on after May 15, 2008, including any person seeking to re-establish water service where he, she or it has failed to pay his, her or its water bill and had service cut off. At

the time of a final reading, any remaining unpaid balance then due for water service will be deducted and the remainder turned over to the property owner or tenant who posted the deposit. If the deposit is insufficient to cover the remaining unpaid balance then due, the deposit shall be applied to the balance, but the owner or occupant of the property shall remain liable for the remaining unpaid balance due and shall be subject to collection procedures set forth elsewhere in this chapter.

(F) Final readings shall be done as close as practical to the date of any closing of the sale of any property or the move-out of any tenant. When a final reading is done, water service shall be cut off and the new owner, landlord or new tenant shall be required to contact the Village to re-establish service, and in all such events, a new deposit shall be paid prior to water being turned on again. It shall be the duty of landlords owning rental properties connected to the water system to advise the Village Clerk promptly whenever any tenant moves out of a building connected to the Village water system. If a landlord shall fail to promptly so advise the Clerk, he, she or it shall be guilty of violating this chapter and shall be fined pursuant to § 50.999(A). For the purposes of this subsection, “promptly” means at least one week prior to the move-out, or, in the event the tenant moves out without prior notice, within a week of the landlord learning that the tenant had left the premises, and in any event prior to a new tenant moving in.

SECTION TWO: Section 50.007 of the Winthrop Harbor Municipal Code is hereby amended through modifications to subparagraphs A and B, and it shall hereafter read as follows:

§ 50.007 DELINQUENT BILLS; PROCEDURE.

(A) Any user who has failed to pay the bill for water and/or sewer service within 15 days after the due date thereof is hereby declared to be delinquent. Thereupon, the hearing officer, as hereinafter provided for, shall cause a written notice of delinquency to be served by first class mail upon the delinquent user setting forth the time and place of the hearing. The hearing shall be set no less than 14 days nor more than 21 days thereafter. If no response is made by the hearing date, and the bill remains unpaid, the Superintendent shall immediately thereafter cut off water service to the building.

(B) If the user whose bill is unpaid is not the owner of the premises, and the Village Clerk shall have notice of that fact, a copy of the notice described in subsection A shall be served on the owner at the same time and in the same manner as the notice is served on the user.

(C) At the time and place of the hearing, the hearing officer shall give the delinquent user an opportunity to be heard and to present any and all evidence, including testimony on said user's behalf. The records of payment for said water and/or sewer service by the user, as provided and given to the hearing officer by the office of the Village Clerk, shall be prima facie evidence that said bill is due, unpaid, and delinquent. All witnesses, including the delinquent user, shall be sworn prior to giving any testimony.

(D) The hearing officer, within five days after such hearing, if the officer determines after such hearing that the user is, in fact, delinquent in payment of said bill for water and/or sewer services, and that the water service of said user should be discontinued, shut off, and terminated, shall so state the basis or reasons for such termination in a written order of termination, and shall serve a copy of such order upon the user within five days after said hearing. The order shall also state the date when the water service shall be shut off and terminated, said date to be no later than ten days after the hearing date.

(E) The hearing officer shall be any employee or officer of the village and shall be appointed by the President with the advice and consent of the majority of the Village Board of Trustees. The hearing officer shall serve until his successor has been appointed and is qualified.

SECTION THREE: Section 50.999 of the Winthrop Harbor Municipal Code is hereby amended through the addition of subparagraph E, and it shall hereafter read as follows:

§ 50.999 PENALTY.

(A) Any person, firm, association, corporation, or partnership violating any provision of this chapter for which no penalty is otherwise provided, shall be fined not less than \$5 nor more than \$500, and each day of violation shall be deemed a separate violation of this chapter.

(B) Any person, corporation, partnership or entity who violates § 50.013 shall be fined not less than \$5 nor more than \$500 for each offense. Each day such offense occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(C) Any person, firm, association, corporation or partnership violating § 50.087 shall be fined not less than \$20 nor more than \$200 and each day of violation shall be deemed as a separate violation.

(D) Any violation of § 50.045 shall subject the offender to a fine in the amount of \$500 per violation. Each day that a property owner or occupant shall allow, suffer or permit any bypassed, disconnected or disabled water, sewer or combined meter to be present in his or her resident or building shall be considered a separate violation. Nothing herein shall limit the power or right of the Superintendent of Public Works to shut off and seal water services as provided for in § 50.005.

(E) Any violation of § 5.006(F) shall subject the offender to a fine in the amount of \$100 per violation.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP
HARBOR, ILLINOIS, ON THIS 6TH DAY OF MAY, 2008.**

APPROVED:

JOE LEECH, JR., MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: BRUNO, LOPEZ, MOLINARO, ROBARDS, SWINDLE

NAYS: NEARGARDER

FIRST AND SECOND: WAIVED MAY 6, 2008

ORDINANCE PASSED: MAY 6, 2008