

ORDINANCE NO. 2015 - 09

AN ORDINANCE AMENDING ORDINANCE NO. 278 ESTABLISHING CHARGES AND RATES FOR THE COMBINED VILLAGE WATERWORKS AND SEWERAGE SYSTEM TO PROVIDE FOR RECORDING FEE ASSESSMENT AND REQUIREMENT OF SERVICE IN NAME OF PROPERTY OWNER

WHEREAS, Village of Winnebago Ordinance No. 278 previously passed on April 18, 1956, provided for the establishment of charges and rates for the combined waterworks and sanitary sewerage systems; and

WHEREAS, the Village currently operates a water system, and previously operated a sewer system until its sewer operations were taken over by the Rock River Water Reclamation District pursuant to an initial Intergovernmental Agreement with the Rock River Water Reclamation District previously signed on December 21, 2011, amended on April 3, 2012, and with the Village's sewer system formally acquired by the Rock River Water Reclamation District pursuant to a statutorily required court order entered on June 3, 2012, allowing the acquisition of the Village's sewer system by the Rock River Water Reclamation District; and

WHEREAS, Section 4 of Ordinance No. 278 authorizes the filing of a lien for the unpaid services, but does not provide for the ability of the Village to also charge for the recording fee to record the lien, and later charge for the recording fee to release the lien; and

WHEREAS, the recording fees are significant, and should be an expense borne by the party who caused the lien to have to be filed, rather than the general citizenry of the Village of Winnebago; and

WHEREAS, the recurrent delinquency problem with utility bills in the name of Tenant at various properties within the Village warrants the institution of a policy whereby services for utilities must be initially contracted for with the Village by the respective property owner rather than the Tenant, with service only later established in the name of the Tenant when requested by the Tenant pursuant to the Illinois Rental Property Utility Service Act (765 ILCS 735/), as amended, provided the Tenant meets all of the requirements of said Act.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, as follows:

SECTION I—AMENDMENT OF SECTION 3

Ordinance No. 278 shall be and hereby is amended, such that the current Section 3 of Ordinance No. 278 shall be deleted, with the following new Section 3 substituted in its place:

Section 3: Said rates or charges for services shall be payable monthly. The owner of the premises shall be liable for the payment of such services, but both the owner and Tenant shall be jointly and severally liable to the Village for such services in the event the Tenant requests the services be put in the name of the Tenant, and the Tenant meets the criteria for having the service established in the name of the Tenant pursuant to the Illinois Rental Property Utility Service Act (765 ILCS 735/), as amended. All bills for service shall be rendered as of the first day of the month succeeding the period for which the service is billed, and shall be payable not later than

the close of business on the 15th day of the same month. If payment of the full amount of the bill is not made within said period, than a penalty of fifteen percent (15%) of the amount of the bill shall be added thereto.

SECTION II—AMENDMENT OF SECTION 4

Ordinance No. 278 shall be and hereby is amended, such that the current Section 4 of Ordinance No. 278 shall be deleted, with the following new Section 4 substituted in its place:

Section 4. In the event the charges for service are not paid within ninety (90) days after rendition of the bill for such monthly service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such service is supplied, and the Village Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Winnebago County, Illinois, and the filing of such statements in the pertinent office shall be deemed notice for the payment of such charges for such service. A lien fee shall be charged to the account to cover the cost of recording and releasing the lien, with such fee also being included in the figures itemized in the initial notice of lien recorded.

SECTION III—CONTINUED EFFECTIVENESS OF OTHER PROVISIONS OF ORDINANCE

All other provisions of Ordinance No. 278, as amended, shall remain in full force and effect.

SECTION IV—RECORDING OF ORDINANCE

A copy of this ordinance, properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of Winnebago County, Illinois, and shall be deemed notice to all owners of real estate of their liability for the recording fee for the notice of lien recorded with the Winnebago County Recorder of Deeds, and any release of lien later recorded with the Winnebago County Recorder of Deeds, as well as the requirement that services for utilities must be initially contracted for with the Village by the respective property owner rather than the Tenant, with service only later established in the name of the Tenant when requested by the Tenant pursuant to the Illinois Rental Property Utility Service Act (765 ILCs 735/), as amended, provided the Tenant meets all of the requirements of said Act.

SECTION V—EFFECTIVE DATE OF ORDINANCE

This ordinance shall be effective after its passage, approval, and recording as required by law.

APPROVED:

Franklin J. Eubank, Jr., President of the Board of
Trustees of the Village of Winnebago, Illinois

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED: _____ **APPROVED:** _____ **RECORDED:** _____