

**CHAPTER 7
WATER SERVICE CHARGES**

ARTICLE I – Water Service Charges

7.01 Definitions. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Water service charge: the charge for a one month period levied on all users of the waterworks system for water service.

7.02 Water User Charges. The water service charge shall be based upon the amount of water consumed each one month period as shown the Village water meters read to the lowest even increment of 100. The water service charge shall be calculated as follows:

Consumption	Charge
1,000 gallons or less per month	\$19.50
Any gallons in excess of 1,000 gallons	\$8.25 per 1,000 gallons or fraction thereof

7.03 Changes to Rates to Calculate Water Use Charges. The water rates that are provided herein may be increased or decreased from time to time at the discretion of the Board of Trustees by the adoption of an ordinance amending provisions of this Chapter.

7.04 Meters. Every user of the waterworks system shall have a water meter and every such water meter shall be sealed. It shall be the duty of the Superintendent of Public Works to maintain all meters of the system in good and accurate working condition, to replace all meters as he shall determine have become inaccurate or faulty.

7.05 Estimated Bills. If any water meter at any time fails to register the quantity of water running through it or if weather conditions or other circumstances prevent the reading of meters, each water bill shall be estimated by the Village. The quantity used for purposes of such estimate shall be determined and the charge made based on either the amount registered during the billing period preceding the date of such failure, or the usage for the same period of the preceding year, or the average monthly usage for six months immediately therefrom preceding.

7.06 Late Fees. A 10% penalty shall be added to all bills not paid on or before the 24th day of the month following the month in which bills were issued. Where the 24th day is a Sunday or legal holiday, then the bill is payable on the next successive day without any additional penalty.

7.07 Refusal of Service. In the event that any person, firm, or entity that desires to receive service from the Village's waterworks system has a delinquent bill as defined herein, the Village is authorized to refuse or provide any service under the waterworks system of the Village until that individual's delinquent bill has been paid in full. This provision applies to delinquent bills regardless of age and regardless of address.

7.08 Reserved

7.09 Reserved

7.10 Reserved

7.11 Reserved

ARTICLE II – General Provisions

7.12 Bills:

Said rates or charges for service shall be payable monthly. 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 premise by the Village of Carlock only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village of Carlock.

Bills for service shall be sent out by the Village of Carlock treasurer on the first day of the month succeeding the month for which the service is billed. All bills are due and payable 10 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the day due.

7.13 Delinquent bills:

If the charges for such services are not paid within 90 days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled. The charges for disconnecting and reconnecting of the water service shall be \$50.00. (Ordinance 2012-03)

7.14 Lien-Notice of Delinquency:

Whenever a bill for service remains unpaid for 120 days for monthly service after it has been rendered, the Village of Carlock treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village of Carlock 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 of Carlock treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the treasurer, whenever such bill remains unpaid for the period forty five days for a monthly bill or one hundred and five days for a quarterly bill after it has been rendered.

The failure of the Village of Carlock treasurer to record such lien or to mail such notice or failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

7.15 Foreclosure of lien:

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 statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village of Carlock. The Village of Carlock attorney is hereby authorized and directed to institute such proceedings in the name of the Village of Carlock in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five days after it has been rendered.

7.16 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 of Carlock treasurer separate and apart from his private funds and separate and apart from all other funds of the Village of Carlock treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Board of Trustees of the Village of Carlock.

The Village of Carlock treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the Village of Carlock." Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

7.17 Accounts:

The Village of Carlock 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 water system, 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 water system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the water plant for the current fiscal year.
2. Billing data to show total number of gallons 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.

7.18 Penalty:

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$100 dollars nor more than \$1,000 dollars for each offense.

7.19 Access to Records:

The Illinois Environmental Protective Agency and the United States Environmental Protection Agency or their authorized representative shall have access to any books, documents, papers and records of the Village of Carlock which are applicable to the system of user charges 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.

ARTICLE III –

7.20 Reserved

ARTICLE IV – Validity

7.21 Validity:

That if any section, paragraph, clause or provisions of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE V – Appeals

7.22 Appeals

The method for computation of rates and service charges established for user charges in Article I shall be made available to a user within 30 days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by the Board of Directors of the Village of Carlock within 60 days after notification of a formal written appeal outlining the discrepancies.

ARTICLE VI – Ordinance in Force

7.23 Adoption

- (a) This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

- (b) Passed and adopted by the Board of Trustees of the Village of Carlock, State of Illinois on the _____ day of _____, 1999, by the following vote:

Ayes: _____ namely _____

Nayes: _____ namely _____

Approved this _____ day of _____, 1999

(Signed) _____
Village President

Attest:

Signed _____
Clerk

Appendix – Definitions

7.24 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(a) Federal Government

“Federal Act” means the Federal 1996 Safe Drinking Water Acts Amendments.

“Administrator” means the Administrator of the U.S. Environmental Protection Agency.

(b) State Government

“State Act” means the Illinois Anti-Pollution Bond Act of 1970.

“Director” means the Director of the Illinois Environmental Protection Agency.

“State Loan” shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

(c) Local Government

“Ordinance” means this ordinance.

(d) “Person” shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(e) Clarification of work usage: “Shall” is mandatory; “may” is permissible.

(f) Water and its characteristics:

“ppm” shall mean parts per million by weight.

“Milligrams per Liter” shall mean a unit of the concentration of water constituent. It is 1.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

“pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the EPA Division of Laboratories Manual of Laboratory Methods.

(g) Miscellaneous

“Curb Cock” shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“Service Box” shall mean a valve box used with corporation or curb cock.

(h) Types of charges:

“Water Service Charge: shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Article II and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

“User Charge” shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.

“Basic User Charge” shall mean the basic assessment levied on all users of the public water system.

“Debt Service Charge” shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) Outstanding.

“Capital Improvement Charge” shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. Debt service and capital improvement costs.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

“Useful Life” shall mean the estimated period during which the water works will be operated.

“Water Fund” is the principal accounting designation for all revenues received in the operation of the water system.