

VILLAGE OF MT. AUBURN
CHRISTIAN COUNTY, ILLINOIS

ORDINANCE NO. 121

AN ORDINANCE TO ESTABLISH RULES, RATES AND REGULATIONS FOR THE
OPERATION OF VILLAGE OF MT. AUBURN WATER SYSTEM

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN

THIS 12th DAY OF August, 2010

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE VILLAGE BOARD
OF THE VILLAGE OF MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS, THIS

12th DAY OF August, 2010

AMENDED WORKING COPY FEBRUARY 2010

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OPERATION OF VILLAGE OF MT. AUBURN WATER SYSTEM

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MT.
AUBURN, as follows:

SECTION 1. Agreement for Services: After such time as adopting this Ordinance, Water Service shall be furnished only to qualified users upon filing of a Water Users Agreement with the Village upon a form to be supplied by the Village. As for the Agreement, all present User's are grand-fathered in at this time but any User who is disconnected shall have to sign an agreement and do such other requirements as if a first time User.

SECTION 2. Initial and Minimum Charges Whether Water Used or Not:
The rates as shown in the rate schedule in Section 8 of this ordinance shall be paid by each customer, who has signed an Agreement, beginning at the time the Village makes the service available to the customer.

The minimum rate will be paid by all customers, even if they are not using the service, provided the service is available from the Village.

There shall be \$ 500.00 tap-on fee, for service to each newly built property in which an agreement has been filed prior to the service connection. For meters larger than "3/4" the tap-on fee shall be the actual cost of installing the meter and appurtenances.

For existing homes, in which there is water service, and service is being transferred from one user to another, (including renters and tenants), a \$ 50.00 deposit shall be made by the user to guarantee payment of water bills. Upon termination of water service, and the last bill being paid in full, the deposit shall be returned to the user, without interest, within 60 days. **All account balances for existing and/or prior accounts must be current before a new account is established.**

Homeowners (sale of existing property) If the buyer has applied for service, a meter reading is obtained on the scheduled date and future billings are transferred to the new owner's name. The meter will be read on the date the seller schedules and a final bill will be sent to the seller. If the new owner has not applied for services by the final read date, services will be disconnected until the Village office is notified by the buyer. There will be no fee to turn the water back on.

SECTION 3. Village's Responsibility and Liability:

A. Ownership, Installation and Maintenance. The Village shall install, own and maintain the water system, water mains, and service lines from the mainline to the meter on the property. The Village shall furnish, install and maintain a meter and appurtenances including a shut-off valve. The shut-off valve shall be installed on the user's property line or such other point determined by the Water Superintendent . The meter may be located near the shut off valve and must be readily accessible to the Water Superintendent and staff. The meter and shut off valve may be located on the user's premises as determined by the Water Superintendent.

B. Refusal of Service. The Village, may at any time, refuse additional

service to any application if in the judgment of the Board of Trustees, the capacity of the system will not permit such use.

C. Liability. All water service supplied by the Village shall be upon the express condition that the Village shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off the water for repair, relocation, or expansion of any part of the system, or failure of any part of the system or for concentration of water for such purposes as firefighting or restricted water use.

D. Use of Water on User's Premises. The Village shall reserve the right to use the water from the user's facilities at any time deemed necessary. No charge shall be made by the user for the use of his facilities and no charge shall be made by the Village for water used by the Village.

SECTION 4. User's Responsibility For:

A. Installing and Maintaining Service Lines. The user shall be responsible for the installation and maintenance of service lines between the water meter and the residence or business. Such service lines must be at least $\frac{3}{4}$ " in diameter, and must be installed at a minimum depth of three (3) feet. Service lines must have a minimum working pressure rating of 160 psi at 73.4° F and must be constructed of one of the following types of materials: Copper (Type K), poly-vinyl chloride (PVC), polyethylene or polybutylene. Service lines must not be covered until they are inspected and approved by the Water Superintendent or another the Water Superintendent authorizes as a Village representative. The user will not connect any service line or any plumbing connected with the service line to any other water source. The service line

must meet any requirements of the State of Illinois, Environmental Protection Agency (EPA).

B. Provisions for Location of Water. The user shall permit the meter to be located upon his property.

C. Easements. The user shall give such easements and right-of-ways as necessary to the Village and allow access for the purposes of construction, repair, maintenance, meter-reading, relocation or expansion of the water system. The necessity shall be determined by the Board of Trustees.

D. Tampering and/or Damage to Village Property. No user or person shall tamper, adjust, damage, or in any manner, interfere with the components or operation of the water system owned by the Village. The shut-off valve shall be opened only by the Water Superintendent or another which is employed and authorized by the Village to do so. Penalty for tampering, adjusting, or in any manner interfering with the components of ,or operation of , the system shall be \$500.00 payable to the Village. The User will be accountable for any/all damages caused to the Village water system, and will be billed for the actual cost of repair, including but not limited to, any and all materials and the hourly rate of anyone who is employed to fix the damages.

If the penalty and /or damages is not paid within thirty (30) days after the amount is determined and billed, the Village shall shut off the water service. Any amounts due and owing may be turned over to the Village Attorney for further collection efforts. The User shall be responsible for any and all actual collection costs associated with collection efforts, including but not limited to court costs, and attorney fees,

The User is responsible for Village owned property located upon their property and must be kept in good condition and ready for use at all times. Should the user/owner neglect to maintain, the Village water Department shall have the right to clean and/or repair without giving notice, and charge the costs to the owner and/or user. The User has the obligation to report any known evidence of tampering, adjusting, damaging or interference with operation of the system, owned by the Village, to the Village President.

Any malicious act or damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law. All costs associated with the prosecution shall be assessed by the court.

E. Specified Uses of Water: Water purchased from the Village may be used for ordinary domestic, industrial or farm use upon the premises of the user provided.

(1) No user shall resell or permit the resale of water purchased from the Village

(2) If more than one family unit is located upon the premises, then the user shall make application for each family unit ~~to~~ a separate cut-off valve, meter and service line shall be installed for each family unit, i.e., a trailer park, duplex or apartment house shall have a separate service for each family unit.

SECTION 5. Extension of Mains:

A. Determination of Who Pays Expense of Extension. The Board of Trustees shall first determine if any extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension.

If the extension is economically feasible then the Village may install and pay the cost of the extension at the discretion of the Board of Trustees. If the Village elects not to pay the cost of extending the water main, then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Board of Trustees. The Village shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

B. Requirements if Extension is Installed by Someone Other than the Village.

(1) The Village must approve all plans and specifications for any extensions.

(2) Before any extensions are installed, the plans and specification^s must be reviewed and approved by the State of Illinois, Environmental Protection Agency.

(3) Ownership, rights-of-way, and title must be conveyed to the Village for all extensions installed by anyone other than the Village. The Village will maintain the mains thereafter.

(4) No extension will be permitted if in the opinion of the Board of Trustees, the system does not have the necessary capacity to serve the proposed extension.

SECTION 6. Change in Occupancy:

A. Notice to Village. Any user requesting a termination and/or transfer of service between Users shall give written notice to the Village ten (10) days prior to the time such termination or transferring of service is desired. Termination and transferring

date must be within normal business hours of ~~7a-4p~~ Monday through Friday, excluding holidays. The meter shall be read by the Village during normal business hours at time of shut off or transfer and the user will be billed for services rendered until time of shut off or transfer.

9:00 A.M.
4:00 P.M.
7:00 A.M.
until
4:00 P.M.
BR

Tenants: When tenants request service to be discontinued and a new tenant has not requested service, water service will be placed in the landlord's name.

Landlords: Water will be placed in the property owner's name when water is not established with a tenant. Water services, in the landlord's name, will only be disconnected per the landlord's written request submitted with a \$30.00 disconnect fee. ^{\$50.00} If applicable, the owner will continue to receive a minimum monthly bill. There will be no fee to water back on.

B. Responsibility for Payment of Services Already Consumed.

Responsibility for payment for water consumed after the date of notice and prior to the date of termination shall be with the property owners as well as the user.

SECTION 7. Payment of Bills.

A. Date Due. The meters will be read by the Village on or about the last day of each month. ^{→ the 25th} If weather conditions or other circumstances prevent the reading of meters, then each water bill will be estimated by the Village. Bills will be mailed by the ^{BR} ~~1st~~ day of each month and will be delinquent on the 16th day of the month if not paid in full. Bills will be paid to the Treasurer of the Village or his designated representative. At any time a payment is made and returned due to insufficient funds, the bill will be considered delinquent, penalties will be assessed and the user will be billed an additional

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if the last day of the month falls on Sat or Sun the meters will read on Friday preceding the last day of month.

\$25.00. Any future bills must be paid by cash, cashier's check, or money order. It is the User's responsibility to contact the Village President prior to the 16th of each month if they have not received a water bill.

B. Penalties for Late Payment. There will be a ten (10) percent penalty automatically added to each bill that is not paid in full on the 16th of each month. ~~If the bill is not paid in full, including penalties by the 20th of each month, a~~ shut off notice will be delivered by ~~the 20th of the month~~ ^{by the 25th of the month} to the address of the User or address of person responsible for the account. ~~(A \$10.00 charge will be added to the account for delivery of such notice.)~~ If any bills remain unpaid by the 30th of the month the water supply to the property affected will be shut off by the Village and the service will ~~not~~ be restored until the delinquency and penalty is paid in full. In addition, a ~~\$30.00~~ ^{50.00} service fee will be added to cover the cost of restoring service. Service will not be restored until payment is paid in full. The Village will reconnect on the next business day between the hours of ~~8a-4p.~~ ^{7am - 3pm BR} ~~7:00 AM until 4:00 PM~~ ^{BR}

Do we have to continue doing this?
BR
YES

C. Delinquent/Closed Accounts. If the User is a property owner of the premises in which services were rendered and remain unpaid 30 days after shut-off, The Village ~~Clerk~~ ^{Attorney} is hereby authorized and may file a notice of such ~~Office of the Recorder~~ ^{lien in the} Office of the Recorder of Christian County, or with the Christian County Treasurer as a property tax lien, and to pursue such legal action as is necessary to collect the delinquent charges. The Property Owner shall be responsible for all costs associated with this action including but not limited to court costs, fees, and attorney fees.

If the User is a renter, tenant or some other person that does not actually own or occupy the premises in which services were rendered, and remain delinquent, the Village shall use all reasonable efforts to locate and notify the owner of such property that water service has been disconnected and pursue such legal action as is necessary to collect the delinquent charges. The User shall be responsible for all costs associated with this action including but not limited to court costs, fees, and attorney fees.

SECTION 8. Rate Schedule.

The following shall be the rates for water supplied by the Village:

- Step I - ^{12.73} 2,000 gallons or less — ~~\$9.99~~ (Minimum) Bi-monthly.
- Step II - All over 2,000 gallons @ \$3.20 per 1,000 gallons.

NOTE: As for Rules, Rates and Regulations for Water Leaks please refer to Ordinance 90, which was passed and approved on July 1, 2003.

¹²¹
SECTION 9 Upon passage of this Ordinance, Ordinance No. 5 adopted on July 23, 1980 is hereby rescinded.

Passed by the Board of Trustees this _____ day of _____.

President

Village Clerk