

ORDINANCE NO. 80-33

AN ORDINANCE TO
ESTABLISH UNIFORM UTILITY
COLLECTION PROCEDURES

WHEREAS, The Village of Chatham furnishes and supplies certain public utility services, including the services of its electric system and of its combined waterworks and sewerage system, for its residents, imposes charges to its residents and customers therefor as provided by law; and

WHEREAS, it is desirable to establish a uniform procedure for collection of such rates and charges as are applied for these services;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

Section 1.(a). Definition: Terms are defined for purposes of this Ordinance as follows:

"Customer" shall include any person, firm, corporation, partnership or other legal entity which is the user or consumer of Village utility services or which is legally responsible for payment of rates, charges and penalties for such utility service by statute or ordinance.

"Master-metered apartment building" is any structure consisting of two or more dwelling units where any utility service is registered or recorded by a single meter for all of the units contained in such building.

"Rates and charges" shall include penalties assessed for late or delinquent payments for utility services.

(b): Rates and charges for utility services supplied by the Village shall be as established by Ordinance. The provisions of this Ordinance apply to collection of all such rates and charges for utility services supplied by

the Village of Chatham, including but not limited to electric, water, and sewer services.

Section 2. (a): When a deposit for utility service is required by Ordinance, the deposit made may be refunded or credited to an unpaid bill of the customer at the end of one year from the date of payment of the deposit upon request of the customer; provided, that no such refund or credit shall be made unless all delinquent charges made to the account of or for utility services supplied on behalf of that customer have been paid on or before the date such charges became due; no interest shall be paid on any deposit, credit, or refund.

(b): The Village may require an additional deposit of two times the largest bill incurred over the previous twelve-month period if a customer has a) failed to pay bills for such utility service on or before the due date for payment of such charges on three or more occasions during the previous twelve-month period; or b) the deposit of such customer has been forfeited under the provisions of this or any other Ordinance because of delinquent payments. Any such additional deposit may be refunded or credited to a current bill at the end of one year in a like manner as provided on (a) above.

(c): If any charge for utility service or any penalties become delinquent under the provisions of this or any other Ordinance, the deposit shall be forfeited to the Village and applied by the Village to the payment of such delinquent charges.

Section 3: All charges for utility service provided by the Village are due and payable and shall be paid within 15 days of the date of the bill. All bills not paid on or before such due date shall incur a penalty in the amount of ten percent (10%) of the bill. If the due date falls on a Saturday, Sunday or legal holiday, then such bill may be paid without incurring the ten percent (10%) penalty,

on the next succeeding day during which the office of the Village is open for payment of such bills.

Section 4 (a): If any charges for utility service or penalties remain unpaid for thirty (30) days after the billing date, such charges shall be deemed delinquent. The Village may disconnect and discontinue to supply the utility service from the utility system of the Village as follows:

1) If charges for electric service are delinquent, the Village may disconnect the electric service of the customer;

2) If charges for sewer service are delinquent the Village may disconnect either the water or sewer service, or both, of the combined water and sewer system of the Village of Chatham;

3) If charges for water service are delinquent, the Village may disconnect the water service supplied to such customer;

Provided, however, that the Village may disconnect such services only if any deposit forfeited under the provisions of this or any other Ordinance is not sufficient to pay such delinquent charges.

(b): Upon determination that any customer's service is to be disconnected, the Village shall cause to be sent to the customer, owner, or any other person required by law to receive such notice, at the address at which such service is provided, notice that the utility service shall be terminated no sooner than eight (8) days after the mailing of that notice; when the user is a person other than the owner of the premises at which service is provided, a copy of such notice shall also be sent to the owner at his address shown on an application for service, or at his last address then known to the Village of Chatham.

(1) Such notice shall advise the customer:

(i) Of the dollar amount owed and penalty therefore;

(ii) That such charges are delinquent and that receipt of payment of such charges by the Village on or before the date upon which service may be disconnected will prevent such disconnection;

(iii) Village personnel are available at certain hours and places to be stated on the notice to discuss the matter prior to the date for disconnection;

(iv) That upon disconnection, service will not be reconnected until all delinquent charges and disconnection charges are paid in full; and

(v) That prior to reconnection, the customer shall be required to make a new application for service, pay a deposit therefor, and pay a reconnect service charge.

(2) Such notice shall be given in the following form:

VILLAGE OF CHATHAM
SANGAMON COUNTY, ILLINOIS

NOTICE OF
DELINQUENCY
UTILITY SERVICE
TERMINATION

TO:

You are hereby notified that because of delinquency in payment for utility services to the Village of Chatham, the _____ service provided at _____ (water-sewer-electric) _____ (address) _____, Chatham, Illinois, will be terminated and disconnected on _____ or thereafter.

1. The amount now due is \$ _____ and penalty of \$ _____, total \$ _____.

2. These charges are delinquent and receipt of payment by the Village on or before _____ (date) will prevent such disconnection.

3. Village personnel are available at the Municipal Building, 117 Mulberry, Chatham, Illinois, between the hours of 9:00 o'clock A.M. and 4:00 o'clock P.M., Monday through Friday, except holidays, to discuss the matter prior to disconnection of utility service.

4. Upon disconnection, service will not be reconnected until all delinquent charges are paid in full.

5. Upon reconnection, the customer shall be required to make a new application for service, pay a deposit therefore, and pay a reconnect service charge.

VILLAGE OF CHATHAM

By _____

(c): Unless such disconnection or termination is completed within 21 days of the date of such notice was mailed, no disconnection or termination may be made without issuance of a new notice of termination in the manner provided in (b) above.

Section 5 (a): When the Village has determined to disconnect utility service to a master-metered apartment building, notice shall be given as provided hereinbefore and by posting such notice in two (2) conspicuous locations at the premises where service is to be disconnected, or by mailing to such users, tenants or lessees who may occupy such master-metered apartment building, a notice which shall contain, in addition to the requirements of Section 4(b) above, the following statement: Tenants or lessees have the right to 1) pay the utility service charges due and owing from the customer and to deduct the amount paid from the rent due under the lease or rental agreement; or 2) to petition a court for the appointment of a receiver to collect the rent due for use and occupancy of the building and to remit a portion thereof to the Village for payment of utility service charges due, or such other notice as may be required by "An Act providing remedies for lessees in relation to the failure of lessors to pay for utility services.", as amended, effective September 16, 1978, and as may from time to time be amended thereafter.

(b): If such lessees or tenants exercise their option to pay the Village the amount due and owing by the

customer, the Village shall thereafter additionally render the utility bill to such lessees or tenants jointly at the end of each billing period. The Village shall have no responsibility to and it shall not pro-rate the bill among the participating lessees or tenants, who will become jointly and severally liable for the full amount of the billing from and after the date upon which such participating tenants or lessees make such election and apply for utility service hereunder. During such period, the lessees or tenants shall be considered customers for the purposes of deposits, termination procedures, disputed bills, and billing practices for the period during which they exercise their option to pay the Village the amount due and owing by the delinquent customer. In no event shall the customer be relieved of its obligations and responsibilities under the provisions of this or any other Village Ordinance by the election of its tenants or users.

Section 6 (a): Utility service which is the sole source of residential space heating or controls the space heating equipment of residential premises may not be disconnected unless and until due notice is given to the customer and such other persons as required by Article 11, Division 117 of the Municipal Code of 1961, as now or hereafter amended.

(b): No application for utility service shall be accepted by the Village without the applicant having affirmatively stated thereon, in an appropriate space to be provided by the Village, whether or not such utility service constitutes the sole source of residential space heating or controls the space heating equipment of residential premises at the location to be served under that application.

Section 7: When utility service has been disconnected under the provisions of this or any other Ordinance, such service may not be reconnected until 1) all prior charges of that customer or account have been paid; and 2) an application for service is made requesting such service as provided by Ordinance and any deposit required has been paid; and

3) a service charge for such reconnection, if applicable, has been paid.

Section 8 (a): Village personnel shall at all reasonable times be available to receive and consider disputes of any customer, applicant or user relative to an account for utility service. Each such customer, applicant or user shall be advised of his right to have the dispute reviewed by the committee of the Board of Trustees of the Village which is charged with responsibility for the administration of the utility services which are the subject of the dispute if such can not be resolved with Village personnel. The person making such dispute or claim may request review of the matter, in writing, directed to the Village Clerk. The Village shall not disconnect the service of any person for non-payment during the pendency of such dispute if:

1) Written notice is given to the Village Clerk as herein provided; and

2) Payment of all undisputed portions of the bill is made; and

3) All charges made during the pendency of the dispute are paid as due; and

4) The person making the complaint or dispute enters into a bona fide efforts to resolve the disputed matter with all due dispatch.

(b): Notice of a dispute shall be made in writing and contain: 1) the name, address and telephone number of the person making the complaint or disputing a charge, 2) the address at which utility service is received which is the subject of the complaint of dispute, 3) the specific grounds or reasons for which the charges billed are disputed, and 4) the specific relief requested.

(c): Upon filing of such notice, the designated committee of the Board may hear and determine such dispute at the next ensuing meeting of the Committee or of the Board of Trustees of the Village. The Committee or Board shall give the complaining party no less than five (5) days advance written notice of the date of such hearing. The complaining

party may, at such meeting of such committee of the Village Board of Trustees or any adjournment thereof present additional information or evidence in support of the dispute but no such information or evidence shall be received or considered beyond the scope of the grounds set forth in the written notice filed under (b) above.

Section 9 (a): Any charges for utility service that are delinquent shall constitute a lien upon the premises served, the Village Clerk shall thereafter file with the County Recorder of Deeds a statement of lien claim. This statement shall contain a legal description of the premises served, 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. A copy of such statement of lien claim shall at the same time be mailed to the customer and if the Village Clerk has notice that the customer is not the owner of the premises served, a copy of the statement of lien claim shall be mailed to the owner of the premises if his address is then known to the Treasurer. The failure of the Village Clerk to record such lien claim or to mail such notice or the failure of the owner to receive such notice shall not effect the right to foreclose the lien for unpaid bills.

(b): 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 therefore. Such foreclosure shall be by action brought in the name of the Village of Chatham pursuant to Sec. 11-139-8 of the Municipal Code, in the same manner and with the same effect as in the foreclosure of mortgages on real estate. The Village attorney is hereby authorized to institute such proceedings for the purpose of foreclosing such lien in the name of the Village in any court having jurisdiction over such matters and may recover such other costs and reasonable

attorneys fees as may be incurred and as may be allowed by the Court.

Section 10: The Village may institute and prosecute in its name any suits or other actions necessary or appropriate for the the collection of any penalties or charges imposed by this or other Ordinances, or for legal or equitable relief to prevent the continuance of violations of provisions of this Ordinance or other Ordinances pertaining to the service of utilities, and for attorneys fees therefore to the extent that the remedies provided herein are not exclusive.

Section 11: The invalidity of any clause, provision or section of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 12: Section 6 of Ordinance 78-27 is amended to read as follows:

"Section 6. Charges for electric service shall be made monthly as herein provided.

Bills shall be mailed to the customer at the address of the premises where service is provided."

Section 13: Article IX, Section 1 of Ordinance 79-11 is amended to read as follows:

"Section 1. Bills: Rates or charges for service of the sewerage system, as set by Ordinance, shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. 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 such 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.

Bills for sewer service shall be sent out by the Village treasurer on the first day of the month or quarter succeeding the period for which the service is billed."

Section 14 (a): Sections 4(1)(c), 4(2), 4(3), 7 and 8 of Ordinance 78-27 are hereby repealed.

(b): Sections 2, 3, 4 and 5 of Article IX of Ordinance 79-11 are hereby repealed.

(c): Sections 7 and 10 of Ordinance 70-7 are hereby repealed.

Section 15: Ordinance 77-3 is hereby repealed.

Section 16: Section 5 of Ordinance 80-37 is hereby amended to read as follows:

"Section 5. Utilities. Utility service of the Village of Chatham shall not be provided to trailers or mobile homes not in compliance with the terms of this ordinance; provided however, that utility service to trailers or mobile homes exempted from the terms of this ordinance by Section 4 above shall be terminated upon ascertainment by the Village of Chatham that the provisions of the exemption in Section 4 above no longer apply. Utility service shall not be terminated except upon eight (8) days written notice to the customer and owner of the trailer or mobile home."

Section 17: All ordinances, resolutions and parts thereof in conflict herewith be and the same hereby are repealed.

Section 18: This Ordinance shall be effective upon passage, approval and publication as provided by law.

Passed: Dec. 16, 1980.

Approved: Dec. 16, 1980.

Published: _____, 1980.

Attest:

Norma J. Hedinger
Village Clerk

J. H. White
President, Village of Chatham