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AN ORDINANCE AMENDING TITLE 4, CHAPTER 3 OF THE ORLAND PARK VILLAGE CODE REGARDING WATER SHUTOFF FEES

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, the President and Board of Trustees of the Village deem it necessary and advisable to clarify the procedures for collection of delinquent bills for water and/or sewer service provided by the Village; and

WHEREAS, provision of water service to its citizens and the setting of rates and fees therefore are matters pertaining to the government and affairs of the Village; and

WHEREAS, in order to revise and amend the shutoff and reconnection fee scheme, further text amendments to Title 4, Chapter 3, of the Orland Park Village Code are necessary.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2:

The Orland Park Village Code, Title 4, Water and Sewer, Chapter 3, Charges and Rates, Section 4-3-3, Delinquent Payments, is hereby amended to read as follows (deleted text marked with strikethrough and added text marked with underlining):

“ In the event the charges for service are not paid by the due date, such charges shall be deemed and are hereby declared to be delinquent. In the event the charges for such service become delinquent as defined above, the Village Finance Director or his or her designee is hereby authorized and directed to notification to be given in writing to the give notification in writing to the account holder that a delinquency exists and that payment must be made is due immediately. The first notice, entitled “Notice of Delinquency” shall be mailed or delivered after the due date. A lien for delinquent charges is created upon the real estate upon or for which water and/or sewer service is supplied when the Village mails or delivers to the owner(s) of record of the real estate as identified by the Permanent Index Number a written notice which includes:

1. A copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates, or other notice sufficient to inform said owner(s) of record that the charges or rates have become delinquent;

2. A statement that the unpaid charges or rates may create a lien on the real estate; and
3. A sworn statement setting out:
 - a. A description of the real estate sufficient for identification thereof;
 - b. The amount of money due for the water and/or sewer service; and
 - c. The date when such amount became delinquent.

A copy of the lien notice shall be mailed or delivered to the owner(s) of record of said real estate. Delivery under this Section may be accomplished by personal delivery or by placement with a recognized commercial delivery or courier service such as Federal Express (FedEx) or United Parcel Service (UPS).

In the event payment is not made after the Village has mailed or delivered the Notice of Delinquency as set forth above, the Village Finance Director or his or her designee shall cause to be mailed or delivered to the customer a written final notice informing the customer not only of the possibility of termination/disconnection of service if the delinquent bill is not paid immediately but also of the procedures for disputing the bill in the manner hereinafter set forth in this Section.

The Village shall not disconnect service at the meter subsequent to two o'clock (2:00) P.M. unless the Village shall be prepared to reconnect the same day at the standard reconnection charge, if any. No service shall be disconnected on a holiday or weekend day unless the Village is prepared to reconnect on the holiday or weekend day.

The service shall not be disconnected and shall be restored if disconnected for the reason which is the subject of a dispute or complaint during the pendency of procedures relating to said dispute or complaint. The Finance Director's designee shall hear all matters relating to disputes or complaints relating to the operation and charges for the services of the Combined Waterworks and Sewerage System of the Village. The Village shall consider the complainant's allegations and shall explain the user's account and the contention of the Village in connection therewith. The said Finance Director's designee shall be authorized to act on behalf of the Village in resolving the complaint. Said designee shall be available during all business hours for the hearing of said complaints. In the event said designee shall be unavailable during said business hours, the Finance Director shall conduct said hearing.

Where any dispute between the Village and a customer cannot be resolved between the parties, the Finance Director's designee shall inform the customer, if the customer expresses nonacceptance of the decision of the said designee, that the customer has the right to have the problem considered and acted upon by supervisory personnel of the Village. The supervisory personnel shall be the Finance Director if the decision as made by said designee or the Village Manager if the decision was made by the Finance Director.

When a user disputes a particular bill, the Village shall not disconnect service for nonpayment so long as the user:

1. Pays the undisputed portion of the bill or an amount equal to last year's bill at the location for the same period; and

2. Pays all future periodic bills by the due date; and
3. Enters into bona fide discussions with the Village to settle the dispute with dispatch.

Disconnection of service to residential customers is prohibited for up to sixty (60) days when discontinuance of service will aggravate an existing serious illness of any person who is a permanent resident of the premises where service is rendered if the user complies with the following requirements regarding such illness.

The illness must be certified to the Village by a registered physician or local Board of Health. The certification shall be in writing and shall include the name of the ill person, a statement that he/she is a resident of the premises in question, the name, business address and telephone number of the certifying party, the nature of the illness and the period of time during which termination will aggravate the illness.

Initial certification by the certifying party may be by telephone if written certification is forwarded to the Village within five (5) days.

Initial certification shall prohibit disconnection of service for thirty (30) days. Certification may be renewed by the user for an additional thirty (30) days by providing another certificate to the Village. Failure to so renew the certificate shall entitle the Village to initiate disconnection procedures.

The user must enter into an agreement for the retirement of the unpaid balance of the account within the first thirty (30) days and keep the current account paid during the period that the unpaid balance is to be retired.

In the event service is terminated within fourteen (14) days prior to certification of illness by or for a qualifying resident service shall be restored to that residence if a proper certification is thereafter made in accordance with the foregoing provisions.

Nothing in this Section shall be construed to prevent disconnection of service for reasons of safety, health, or cooperation with other civil authorities.

Residential users who are indebted to the Village for past due service shall have the opportunity to make arrangements with the Village to retire the debt by periodic payments referred to hereinafter as deferred payment agreement unless said user has failed to make payment under such a plan during the past twelve (12) months. Nonresidential users who are indebted to a utility for past due service may have the opportunity, at the discretion of the Village, to make arrangements with the Village to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement.

The terms and conditions of a deferred payment agreement may be determined by the Village after consideration of the following:

1. Size of the past due account; and
2. User's ability to pay; and
3. User's payment history; and
4. Reasons for the outstanding indebtedness; and
5. Any other relevant factors relating to the circumstances of the user's service.

Late payment charges may be assessed against the amount owing which is the subject of a deferred payment agreement.

Deferred payment agreement shall be in writing, with a copy provided to the user, and shall conform to the following requirements:

1. The user shall be required to pay all future bills for utility service by the due date; and
2. User shall retire his/her debt according to the terms of the deferred payment agreement.

If a user shall default upon any payment due under the deferred payment agreement, the Village shall have the right to discontinue service as herein provided.

In the event service shall be disconnected, a fee of ~~Seventy-Five~~ One Hundred Dollars (\$~~75.00~~100.00) shall be charged and paid for the first shutoff fee for any account before said service shall be reconnected. ~~The second disconnection for the same account will require a payment of a One Hundred Dollar (\$100.00) fee and a One Hundred Dollar (\$100.00) deposit. The third disconnection and any succeeding disconnections for the same account will require payment of a One Hundred and Fifty Dollar (\$150.00) fee. The disconnection/reconnection fee is due upon notice of disconnection whether or not the actual disconnection has been done. The One Hundred Dollar (\$100.00) deposit shall be returned after one year of on-time payment is recorded for the account.~~

Failure to pay after service has been disconnected shall constitute a lien upon the real estate for which such service is supplied. The Village Finance Director or his or her designee is hereby authorized to file sworn detailed statements showing such delinquencies in the office of the Recorder of Deeds or the office of the Registrar of Title, Cook or Will County, Illinois. The notice of lien shall be sent to the taxpayer shown on the tax bill of the property involved as the owner of record if the user is not the owner of the parcel involved. The Village may also, at its election, institute a civil action to recover such delinquent charges. The notice of lien shall be in substantially the form designated on file in the office of the Village Clerk.

SECTION 3:

This Ordinance shall be in full force and effect from and after its adoption as provided by law.