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AN ORDINANCE AMENDING TITLE 4, CHAPTER 3 OF THE ORLAND PARK VILLAGE CODE TO ESTABLISH NEW WATER RATES AND TO CLARIFY COLLECTION PROCEDURES

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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 therefore are matters pertaining to the government and affairs of the Village; and

WHEREAS, in addition to establishing new water rates, 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, is hereby amended to read as follows:

CHAPTER 3

CHARGES AND RATES

SECTION:

- 4-3-1-1: Water and Sewer and Stormwater Service Charges Within Corporate Limits**
- 4-3-1-2: Water and Sewer Service Charges Outside of Corporate Limits**
- 4-3-1-3: Billing Errors**
- 4-3-1-4: Unit Defined; One Meter Serving Several Units, Calculating Charges**
- 4-3-1-5: Adjustment of Rates**
- 4-3-2: Liability for Payment of Charges**
- 4-3-3: Rendition of Bills**
- 4-3-4: Delinquent Payments**
- 4-3-5: All Service Metered**
- 4-3-6: Disposition of Moneys**
- 4-3-7: Books and Accounts**

4-3-1-1: WATER AND SEWER AND STORMWATER SERVICE CHARGES WITHIN CORPORATE LIMITS

There shall be and are hereby established charges and rates for the use of and for the service supplied by the combined waterworks and sewerage system of the Village where the premises to which such service and use is furnished are located within the corporate limits of the Village. Use and service for water shall be metered and the bimonthly charges for water, sewer and stormwater service shall be as set forth below. Rates are shown for the fiscal year to which they apply. Bills may be paid by VISA, MASTERCARD and DISCOVER as well as check or cash. A 10% penalty shall be added to all bills not paid by the due date on the bill. (Ord. 4336, 2-4-08)

A. Water Charges and Rates

Bimonthly service charge per billing unit (except as otherwise determined by the Village for residential lawn-sprinkler only accounts)

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Service Charge	\$9.00	\$9.49	\$9.97	\$10.46	\$10.99

Bimonthly usage charge per 1,000 gallons or part thereof of water supplied

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Tier 1: 0 - 7000	\$5.66	\$6.02	\$6.32	\$6.63	\$6.96
Tier 2: 7000 - 12000	\$7.07	\$7.52	\$7.90	\$8.29	\$8.70
Tier 3: 12000 - 22000	\$8.49	\$9.02	\$9.47	\$9.95	\$10.45
Tier 4: Over 22000	\$9.90	\$10.53	\$11.05	\$11.61	\$12.19

B. Sewer Charges and Rates

Bimonthly volume charge per 1000 gallons or part thereof of water supplied

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Sewer Rates - Incorporated	\$1.01	\$1.06	\$1.11	\$1.17	\$1.23

Residential Sewer Bill Cap

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Sewer Cap	\$33.26	\$34.93	\$36.67	\$38.51	\$40.43

C. Sewer Charges and Rates (Will County Areas)

1. All property within the Village located a) in Frankfort Township and west of Wolf Road, Will County, and b) in New Lenox Township, Will County, is subject to a wastewater or sewer treatment charge (also known as waste water reclamation) for treatment and disposal of sewerage wastes.
2. The computed sewer treatment charges are in addition to the charges set forth in subsection B., above.
3. The amount of the wastewater treatment charges provided under this section shall be presented separately on the quarterly utility bill from any other charges contained therein.
4. Metropolitan Water Reclamation District of Chicago Service Area.
 - (a) For those portions of the Village which lie within Frankfort Township, west of Wolf Road, Will County, and within New Lenox Township, Will County, and also within the wastewater service area under an agreement between the Village and the Metropolitan Water Reclamation District of Greater Chicago (hereinafter "MWRD"), an amount shall be charged for wastewater treatment services and computed as follows:
 - (i) The most currently available equalized assessed valuation for the property at the time the quarterly bill is being prepared shall be multiplied by the most recent available real estate tax rate of the

MWRD for property within its district boundaries (primarily in Cook County) and the result thereof shall be multiplied by 140% to obtain the annual wastewater treatment charge for such property.

- (ii) One quarter of this amount shall be added to each subsequent quarterly utility bill rendered.
 - (iii) Each year, as a new equalized assessed valuation becomes available for the subject property and/or a new tax rate becomes available for the MWRD, the amount of such user charge shall be recomputed utilizing such new equalized assessed valuation and/or tax rate and shall apply to the subsequent quarterly utility bills rendered.
- (b) This sewer treatment charge is applicable to all properties which lie within the corporate limits of the Village in Frankfort Township, west of Wolf Road, Will County, and within New Lenox Township, Will County, and also within the designated wastewater service area under an agreement between the Village and the MWRD regardless of whether the property is vacant land or otherwise developed.
- (c) From time to time, a property owner may have had cause to appeal the valuation of property for property tax purposes, or have an error corrected that affects the property valuation, which may have resulted in the recalculation of the related annual property tax bill. Should a property valuation (equalized assessed valuation) for a given tax year be reduced, the Village utility customer may be eligible for a reduction in the related sewer treatment charge which is based on the equalized assessed valuation.
 - (i) The recalculation of an annual sewer treatment charge under this section due to a subsequent adjustment to equalized assessed valuation will not occur automatically as the Village is not notified of such changes as they occur. It is the property owner's responsibility to notify the Village of such changes in order to initiate the recalculation of the annual sewer treatment charges.
 - (ii) The property owner must provide the Village Finance Director, or such other person that may be designated by the Finance Director, with valid and legible documentation of the revised or adjusted equalized assessed valuation. Upon verification and validation of the information provided, the calculation of the annual sewer treatment charges based on that tax year's equalized assessed valuation can be recalculated and adjusted.

- (iii) Any such adjustment to the sewer treatment charge will be provided as a credit against the current and future sewer treatment charges.

D. Stormwater Service:

Bimonthly charge per 1000 gallons or part thereof of water supplied shall be

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Storm Water Incorporated	\$1.76	\$1.85	\$1.92	\$1.98	\$2.04

E. Residential lawn-sprinkler-only accounts shall not be required to pay sewer or stormwater charges.

4-3-1-2: WATER AND SEWER SERVICE CHARGES OUTSIDE OF CORPORATE LIMITS

There shall be and are hereby established charges and rates for the use of and for the service supplied by the combined waterworks and sewerage system of the Village, where the premises to which such service and use is furnished are located outside the corporate limits of the Village. Use and service for water shall be metered and the bimonthly charge for water, sewer and stormwater service shall be as set forth below. Rates are shown for the fiscal year to which they apply. Bills may be paid by VISA, MASTERCARD or DISCOVER, as well as by check or cash. A 10% penalty shall be added to all bills not paid by the due date on the bill. (Ord. 4336. 2-4-08)

A. Water Charges and Rates Bimonthly service charge per billing unit

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Service Charge	\$9.00	\$9.49	\$9.97	\$10.46	\$10.99

Bimonthly usage charge per 1,000 gallons or part thereof of water supplied

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Tier 1: 0 - 7000	\$8.21	\$8.72	\$9.16	\$9.62	\$10.10
Tier 2: 7000 - 12000	\$10.26	\$10.90	\$11.45	\$12.02	\$12.62
Tier 3: 12000 - 22000	\$12.31	\$13.08	\$13.74	\$14.42	\$15.15
Tier 4: Over 22000	\$14.36	\$15.26	\$16.03	\$16.83	\$17.67

B. Bulk Water Rates for Citizens Utility Service to Alpine Heights

Bimonthly service charge per billing unit

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Service Charge	\$9.00	\$9.49	\$9.97	\$10.46	\$10.99

Bimonthly usage charge per 1,000 gallons or part thereof of water supplied

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Citizens Utilities Bulk Water Rate	\$6.86	\$7.20	\$7.56	\$7.94	\$8.34

C. Sewer Charges and Rates (except Alpine Heights)

Bimonthly volume charge per 1,000 gallons or part thereof of water supplied

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Sewer Rates - Unincorporated	\$2.29	\$2.41	\$2.53	\$2.65	\$2.79

D. Stormwater Service (except Alpine Heights)

Bimonthly charge per 1,000 gallons or part thereof of water supplied shall be

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Storm Water - Unincorporated	\$1.32	\$1.39	\$1.44	\$1.48	\$1.53

4-3-1-3: BILLING ERRORS:

An error in water and/or sewer charge billing shall not constitute waiver of claim for adjustment.

4-3-1-4: UNIT DEFINED; ONE METER SERVING SEVERAL UNITS, CALCULATING CHARGES:

A unit, for the purposes of this Section, shall be a residential dwelling unit, an industrial or business establishment, public building, fraternal, eleemosynary or religious institution. (Ord. 3232, 3-16-99)

4-3-1-5: ADJUSTMENT OF RATES:

The water and sewer charges and rates herein in this Section set forth shall be adjusted from time to time as follows:

Any increase or decrease in the charges made by the City of Chicago, Illinois and/or by the Village of Oak Lawn, Illinois for water supplied shall be directly factored into the rates effective on the first day of the month following such changes.

Any increase or decrease in the charges made for electrical energy other than the adjustment for summer and winter usage shall be directly factored into the rates effective on the first day of the month following such change in electrical energy charges.

Personal services, contractual services, (excluding purchased water and electricity) commodities and departmental cost transfers shall be factored into said rates on January 1 of each year, based

on the annual budget for the fiscal year commencing on said date, passed by the Board of Trustees of the Village.
(Ord. 1402, 12-27-84; eff. 2-1-85)

4-3-2: LIABILITY FOR PAYMENT OF CHARGES:

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 on such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefore to the Village. (Ord. 1129, 11-16-81)

4-3-3: RENDITION OF BILLS:

It is hereby made the duty of the Director of Finance to render bills for service and all other charges in connection therewith and to collect all moneys due thereon. All bills for service shall be rendered indicating a due date not less than fifteen (15) days after the date reflected on the bill. A penalty of ten percent (10%) shall be added to all bills paid after the due date so indicated. A bill shall not be considered past due unless the payment is received by the Village after the due date printed on the bill. VISA, MASTERCARD and DISCOVER may be used for payment bills.

“4-3-4: DELINQUENT PAYMENTS:

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 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 was 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 licensed 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 public safety, health, or necessary 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 Dollars (\$75.00) shall be charged and paid for the first shutoff for any account number before said service shall be reconnected. The second disconnection for the same account number 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 number 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.”

4-3-5: ALL SERVICES METERED:

No free service of the combined waterworks and sewerage system of the Village shall be furnished to any person, firm, organization or corporation, public or private. Every user of the combined waterworks and sewerage system of the Village shall have a metered water connection to said system and every such water meter shall be sealed.

4-3-6: DISPOSITION OF MONEYS:

All revenue and moneys derived from the operation of the combined waterworks and sewerage system shall be held by the Director of Finance separate and apart from all other funds of the Village, and all of said sum, without any deductions whatsoever, shall be delivered to the Village Treasurer not more than five (5) days after receipt of the same, or any such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all such revenue from the combined waterworks and sewerage 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 a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Orland Park", and said Treasurer shall administer such Fund in every respect in the manner provided for by law.

4-3-7: BOOKS AND ACCOUNTS:

The Director of Finance 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 combined waterworks and sewerage system, and at regular annual intervals he shall cause to be made an audit by a certified public accountant of the books to show the receipts and disbursements of the combined waterworks and sewerage system.

SECTION 3:

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4:

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law. The Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form.