
**THE VILLAGE OF WILLOW SPRINGS
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2016-O-20**

**AN ORDINANCE AMENDING TITLE 6 “HEALTH AND SANITATION”,
CHAPTER 2 “SEWER AND SEWERAGE REGULATIONS” OF THE
VILLAGE CODE OF THE OF WILLOW SPRINGS, COOK COUNTY,
ILLINOIS**

**ALAN NOWACZYK, President
ADENA BASKOVICH, Village Clerk**

**GEORGE BARTIK
MARIO IMBARRATO
ANNETTE KAPTUR
KEVIN MALONEY
KATHRYN STANPHILL
JERRY STRAZZANTE**

Trustees

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WHEREAS, the Village of Willow Springs (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the President and Board of Trustees of the Village of Willow Springs (the “*Corporate Authorities*”) may from time to time amend the text of Village Code when it is determined to be in the best interests of the Village; and

WHEREAS, the Corporate Authorities have determined it necessary to amend the sewer bill collection regulations of the Village in order to more effectively enforce these collection of past due sewer bill amounts in the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Willow Springs, Cook County, Illinois as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: Section 6-2-10 (“*General Provisions*”) of Chapter 2 (“*Sewer and Sewerage Regulations*”) of Title 6 (“*Health and Sanitation*”) of the Village Code of the Village of Willow Springs is hereby amended by adding the following new underlined language to read, as follows:

6-2-10: GENERAL PROVISIONS:

- A. Bills: Said rates or charges for residential (except multi-family residential users), vacant and non-metered users shall be payable bimonthly. Commercial users, industrial users, multi-family residential users and institutional governmental users shall be billed monthly. Responsibility for payment for service rests with the property owner of record, whether or not such owner is the customer. Accordingly, payment of current and past due Village billing is the responsibility of such owner.

All sewer bills are due and payable within fifteen (15) days after being sent out.

- B. Service Shut Off: Water service may be terminated by the West Suburban Water Commission when any bill for sewer service is more than ten (10) days past due to the Village. The Village shall send written notification of the reason for the shut off, via certified mail, to such user of the water service as identified in the village records. The user has seven (7) days to request a hearing before the President and Board of Trustees. If no hearing is requested, seven (7) days after such notification is mailed, service shall be terminated. Where service is terminated, the user may obtain water service by the payment of the past due sewer bill, including interest and penalties, and any required reconnection charge assessed by the West Suburban Water Commission.

- C. Lien-Notice of Delinquency: Whenever a bill for sewer service remains unpaid for (2) two billing cycles for bimonthly / monthly service after it has been rendered, such charges shall be deemed delinquent and thereafter such delinquencies shall constitute liens upon the real estate for which such service is provided. The Village is hereby authorized to 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 claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. Notice will be given to the property owner of record.

The failure of the Village to record such lien or to make such notice or the 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.

- D. 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. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid (3) three billing cycles in the case of a bimonthly / monthly bill after it has been rendered.

- E. Whenever the village treasurer or village administrator determines that a given customer's sewer account is in arrears, the village treasurer or village administrator is hereby authorized to enter into an agreement with such customer to avoid termination of service.

Payment plans designed to allow the customer to pay over time the past due amounts for service maybe received. At a minimum, the agreement must provide that all bills for future service will be paid in full on time and that the arrearage will be paid in full.

In the event a customer fails to abide by the terms of the payment plan agreement, the outstanding balance and all late fees and penalties become due and the village comptroller or village administrator shall terminate service following the fifth (5th) day after the village posts notice of termination at the premises and mails written notice of termination to the customer by certified mail at the customer's billing address.

- F. Revenues: All revenues and moneys derived from the operation of the wastewater collection system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village separate and apart from private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village shall receive all such revenues from the wastewater collection 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 "Sewerage Fund of the Village". Such fund shall be administered in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

- G. Accounts: The Village 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 sewerage 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 wastewater collection system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater collection system, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall also include the following:

1. Billing data to show total number of gallons billed.

2. Debt service for the next succeeding fiscal year.
3. Number of users connected to the system.
4. Number of nonmetered users.

H. Access to Records: The Illinois EPA or authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any State grant.

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.

Section 4: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally Left Blank)

ADOPTED this 12th. day of May, 2016, pursuant to a roll call vote as follows:

	PRESENT	ABSENT	AYE	NAY	ABSTAIN
Bartik	✓		✓		
Imbarrato	✓		✓		
Kaptur	✓		✓		
Maloney	✓		✓		
Stanphill	✓		✓		
Strazzante	✓		✓		
(Mayor Nowaczyk)	✓				
TOTAL	7	0	6	0	0

APPROVED this 12th. day of May, 2016.


 Alan Nowaczyk, Village President

ATTEST:


 Adena Baskovich, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION

I, Adena Baskovich, DO HEREBY CERTIFY that I am the duly qualified and appointed Clerk of the Village of Willow Springs, Cook County, Illinois, and that as such Clerk I do have charge of and custody of the books and records of the Village of Willow Springs, Cook County, Illinois.

I DO HEREBY FURTHER CERTIFY that the foregoing is a full, true and correct copy of **ORDINANCE No. 2016-O-20** “AN ORDINANCE AMENDING TITLE 6 “HEALTH AND SANITATION”, CHAPTER 2 “SEWER AND SEWERAGE REGULATIONS” OF THE VILLAGE CODE OF THE OF WILLOW SPRINGS, COOK COUNTY, ILLINOIS” adopted and approved by the President and Board of Trustees of the Village of Willow Springs, Illinois, on May 12, 2016.

IN WITNESS WHERE OF, I have hereunto affixed my hand and the Corporate Seal of the Village of Willow Springs, Cook County, Illinois this 12th. day of May, 2016.





Adena Baskovich, Village Clerk
Village of Willow Springs, Cook County, Illinois