

**CHAPTER 28: ORDINANCE - VIOLATIONS - DISCONNECTIONS -
ALTERNATIVE - LIEN**

**Flagg Creek Water Reclamation District - Ordinance - Violations - Disconnections -
Alternative - Lien**

CHAPTER 28: ORDINANCE - VIOLATIONS - DISCONNECTIONS - ALTERNATIVE - LIEN

Section

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' 28-1.01 POLICY.

It is hereby declared to be a policy of the Board of Trustees of the District that in the event that any person whose residence or other building is connected to sewers which are tributary to the District works of the system who fails to pay any periodic charges as assessed under the ordinances of the District, the composite connection charge or who connects to the system in violation of the provisions of the ordinances, resolutions, rules and regulations of the District or who, after legally and properly connected, alters the connection or the circumstances so that there is a violation of the provisions of this Ordinance shall, upon due process, have the residence or other building disconnected from the system.
(Prior Code, ' 28-1.01)

' 28-1.02 DISCONNECTION PROCEDURE - NOTICES - DECLARATION OF AUNFIT FOR HUMAN OCCUPANCY@.

(A) The following shall constitute the procedure to be utilized by the District in terminating service of such user by disconnection:

(1) *Non-payment of periodic charges.* In the event that the payment of a periodic charge, after having been billed in accordance with the applicable ordinances, remains unpaid 60 days thereafter, the following notice shall be forwarded by registered mail, return receipt requested, to the occupants at the address of the building being served by the District and a copy of it shall be thumbtacked or taped to the front or a rear door of the building, an additional copy shall be mailed by registered mail to the person shown on the District=s records as having paid the last bill which was paid:

NOTICE OF DELINQUENCY

You are hereby notified that the (name periodic charge) billed to you (here insert name of billee) under date of (insert date) under the Ordinances of the FLAGG CREEK WATER RECLAMATION DISTRICT for the building located at (insert address) have not been paid and remain delinquent. In the event that the periodic charges (insert particular periodic charge) are not paid within thirty (30) days from the posting of this Notice and unless a temporary excuse has been issued excusing you therefrom in writing by the Director of the District the building will be disconnected from the public sewer system and it will be red-tagged as Aunfit for human occupancy@ on the thirty-fifth (35th) day after date of this notice.

Dated _____

FLAGG CREEK WATER RECLAMATION
DISTRICT

By _____
Director

(2) *Non-payment of composite connection charges, illegal connection or other violations.* In the event that the disconnection is for failure to pay the composite connection charge or for illegal connection or for violation of any other provision of this Ordinance or any other ordinance of the District relating to connection, which is discovered to be in violation of any ordinance relating to connection, the following notice shall be forwarded by registered mail, return receipt requested to the occupant of the building at the address of the building being served by the District and a copy of it shall be thumbtacked or taped to the front or a rear door of the building:

NOTICE OF ILLEGAL CONNECTION
WARNING OF DISCONNECTION

You are hereby notified that this building is illegally connected to a sewer system tributary to the Works of the System of the FLAGG CREEK WATER RECLAMATION DISTRICT due to the following (here insert one or more of the following) (Nonpayment of Composite Connection Charges) (Deferred Payment Lien Agreement Payment) (Connection without a Permit) (Connection without inspection) (Ordinance # _____ insert particulars). In the event that you do not meet the District's requirements within thirty (30) days from posting of this notice, unless you have been temporarily excused therefrom by the Director of the District in writing, the building will be disconnected from the public sewer system and it will be red-tagged as Aunfit for human occupancy@ the thirty-fifth (35th) day after the date of this notice.

Dated _____

FLAGG CREEK WATER RECLAMATION
DISTRICT

By _____
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(B) (1) It is the policy of the District to discontinue utility service to customers by reason of nonpayment of bills only after the notice and a meaningful opportunity to be heard on disputed bills. The District's form for application for utility service and all bills shall contain, in addition to the title, address, room number and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the District to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.

(Prior Code, ' 28-1.02)

' 28-1.03 PROHIBITION OF OCCUPANCY AFTER DISCONNECTION.

(A) The Board of Trustees hereby declares that it is against public policy for a building to be occupied by human inhabitants which has been red-tagged by the District after appropriate notice has been given that the building is unfit for human occupancy@.

(B) In the event that the Director has not temporarily excused the deficiencies and the charge remains unpaid on the thirtieth day after the posting of the aforesaid notice or the violation of the District ordinance has not been corrected, the following notice shall be mailed by registered mail, return receipt requested, to the same persons as the original notice and the occupants of the building and also thumbtacked or taped to the front or rear door of the building:

<u>NOTICE OF TERMINATION</u>
You are hereby notified that there has been no response to the Notice of Delinquency issued by the District and the thirty

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(30) day period therein stated has elapsed. You are hereby notified that on (here insert date fifteen (15) days after service of this notice) The District will physically disconnect the sewer to which it is connected and will red-tag the building located at (here insert address) as Aunfit for human occupancy@.

Dated _____

FLAGG CREEK WATER
RECLAMATION DISTRICT

By _____
Director

(Prior Code, ' 28-1.03)

' 28-1.04 MANNER OF SEVERANCE.

(A) In the event that the building to be disconnected from the system of the District is a direct connection to a manhole, the District shall insert, into the discharge line from said building, a plug with a hole therein not in excess of one-half inch in diameter, which hole will permit, if required, during the period that the system is disconnected, sufficient flow of clear water, not human waste, to enable the occupants, if required, to drain plumbing fixtures located in the building so as to prevent freezing in the event of interruption of electrical and gas services.

(B) In the event that the building service line is not directly connected to a manhole, the District, through its agents, shall dig a hole upon public ground and shall remove a section of the building service line, and shall replace in its place a pipe which has fixed in it a plug with a hole therein not in excess of one-half inch in diameter, which hole will permit, if required during the period that the system is disconnected, sufficient flow of clear water, not human waste, to enable the occupants, if required, to drain plumbing fixtures located in the building so as to prevent freezing in the event of interruption of electrical and gas services.

(C) Upon completion of the plugging of the building service line, the District shall forward to the owner and occupant of the building, by registered mail, return receipt requested, a bill for the costs of making the severance, including the plumber=s cost for materials and labor and a \$100 severance charge to be paid to the District for supervision. Only one such charge may be collected for each severance.

(D) Where the occupancy unit is within a building containing two or more occupancy units and does not have an individual building service line serving only the occupancy unit and there is an individual water service line to such occupancy unit, the District shall notify the village or agency providing the water service that such water service shall be terminated until payment of the charges set forth under this Ordinance, and cessation of such water service shall be considered the same as disconnection of the building service line.

(E) In the event that such user does not have a separate water meter, the District shall have the right to enter upon the premises and plug each drain in a manner suitable to terminate service. If entry is refused to the premises for such purpose, the District shall proceed to take the matter before the circuit

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court in the county where the property is located and shall seek a mandatory injunction for entry into the premises and plugging of such lines for termination of service. In such case, all of the costs of such proceeding shall be added to the termination costs heretofore and hereafter set forth, including reasonable attorneys fees, as established by the court.

(F) The District shall have the right, under the provisions of this Ordinance, to order termination of water service to any occupancy unit the sewer system of which is tributary to the District works of the system which would otherwise be subject to disconnection under the procedures set forth herein. Due process shall have been complied with if a copy of the termination notice is mailed to the village or other agency providing the water service to the occupancy unit requesting termination of service 15 days after the date of the termination notice, with a copy thereof mailed to the occupant of the occupancy unit and the owner of the occupancy unit.

(Prior Code, ' 28-1.04)

' 28-1.05 REINSTATEMENT OF SERVICE - NON-PAYMENT OF PERIODIC CHARGES.

(A) In the event of severance of service for non-payment of periodic charges, the service may be reinstated in the following manner.

(B) Upon payment to the District of the full delinquency plus the cost of the District of severance and a \$100 severance charge, and the usual inspection charge for the type of connection and, upon deposit with the District of an amount equal to the estimated periodic charge for one year, the District will issue a permit for the removal of the plug from the system and upon issuance of such permit the plug may be removed by a licensed plumber or drain layer at the sole expense of the user.

(C) If the billee shall continue to pay the periodic charges assessed by the District thereafter as billed, after three years of prompt payment of such user charges with no delinquency in excess of 30 days, the deposit shall be refunded to the person having made such deposit, without interest thereon.

(D) Upon payment of the fees and removal of the plug and reinstatement of service the District, through its agents, shall remove the red-tag from the building and the building shall, so far as the District is concerned, be fit for human occupancy. The owner shall pay the plumber=s fees for reconnection and the inspection charge for the District.

(Prior Code, ' 28-1.05)

' 28-1.06 REINSTATEMENT OF SERVICE - ILLEGAL CONNECTION OR NON-PAYMENT OF COMPOSITE CONNECTION CHARGES.

In the event of severance for an illegal connection or failure to pay the composite connection charge, service may only be reinstated in the following manner: the connection may only be made after approval of plans, where applicable; application for connection permit; payment of composite connection charge applicable; and payment to the District of the actual cost of severance plus a \$100 severance charge.

(Prior Code, ' 28-1.06)

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' 28-1.07 ALTERNATIVE - LIEN.

(A) In the event that a delinquency occurs in the payment of the federal user charge in lieu of ad valorem taxes, the District may elect to file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of 1.5% per month from the date of original billing. The election to file said lien shall not constitute a waiver of the right to sever service as is set forth herein, but shall merely be an alternative method of protecting the financial interest of the District. In the event that, after the lien has been filed, the Board of Directors desires, it may authorize the Executive Director of the District to proceed with the termination of service as set forth herein.

(B) The lien procedures shall be as follows.

(1) If the bill to the user remains unpaid in excess of 30 days after billing, the District shall ascertain if the user and owner of the premises are one and the same. If they are not, the owner shall be sent a duplicate of the billing previously sent to the user having the following legend:

AThis billing has been previously rendered to _____ occupant of the property at _____, Illinois which our records indicate that you own. Section 21 of the Federal User Charge ordinance In Lieu of Ad Valorem Taxes of the District authorizes the placement of a lien upon your land for delinquent charges. You are hereby notified that a lien in the amount of \$ _____ will be filed in the Recorder=s Office if such charges are not paid within thirty (30) days. The District reserves the right to terminate service by severance of connections at a subsequent date under the provisions of this Ordinance.@

(2) If after the above notice has been mailed to the owner and 30 days have elapsed and the charges are not paid, such charges shall be deemed and hereby declared to be delinquent, and thereafter, such delinquencies shall constitute liens upon the real estate for such user charges, and the Clerk is hereby authorized and directed to file sworn statements showing such delinquencies, in either the office of the Recorder of Deeds of Cook or DuPage County, or in the office of the Registrar of Titles of Cook County and the filing of such statements in the appropriate office shall be deemed notice to all persons of such lien.

(3) The failure of the District to record such lien claim or to mail 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 herein.

(Prior Code, ' 28-1.07)