

VILLAGE OF BRADLEY

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ORDINANCE NO. 0-04-22-02

AN ORDINANCE AMENDING CHAPTER 54 (UTILITIES) OF THE BRADLEY CODE OF ORDINANCES

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 11<sup>th</sup> DAY OF April, 2022

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 11<sup>th</sup> day of April, 2022

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AN ORDINANCE AMENDING CHAPTER 54 (UTILITIES) OF THE BRADLEY CODE OF ORDINANCES

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**WHEREAS**, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, pursuant to Section 11-141-7 of the Illinois Municipal Code (65 ILCS 5/11-141-7), the Corporate Authorities of the Village are authorized to make, enact, and enforce all needful rules, regulations, and ordinances for the improvement, care, and protection of the Village’s sewerage system (the “System”) as may be necessary and conducive to the preservation of the public health, comfort, and convenience, and may render the sewage carried in the sewerage system of the municipality harmless in so far as it is reasonably possible to do so; and

**WHEREAS**, pursuant to said Section 11-141-7, the Corporate Authorities of the Village are further authorized to establish and enforce reasonable rates and charges for the use of the System by ordinance; and

**WHEREAS**, the Corporate Authorities of the Village previously exercised the aforementioned authority by enacting, *inter alia*, the provisions of Chapter 54 (Utilities) of the Bradley Village code of ordinances; and

**WHEREAS**, the Corporate Authorities of the Village have determined that it is necessary and expedient to amend certain provisions of said Chapter 54 (Utilities) of the Village’s code of ordinances, as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** Chapter 54 (Utilities), Article II (Charges, Rates, and Billing), Section 54-54 is hereby amended to read as follows:

**Sec. 54-54. Discontinuing service for nonpayment of bill.**

- (a) If the rates or charges for sewer services assessed against any sewer service customer are not paid and have been delinquent for more than ninety (90) days after the rendition of the bill for the services, the Village shall discontinue services to said customer according to the procedures set out in this chapter. Once service has

been discontinued, it shall not be reinstated until all past due bills, including the penalties thereon, are paid in full, together with payment of a sewer service reinstatement fee in an amount as provided in the village fee schedule in section 18-1.

(b) In the event that any sewer service customer's sewer services are discontinued as set forth in subpart (a) of this Section, above, the Village shall notify such customer that unless all past due bills, including the penalties thereon, and the sewer reinstatement fee are paid in full within ten (10) days, such customer's water service shall be terminated by operation of this Section and Section 54-53, above. Once water service has been discontinued, it shall not be reinstated until all past due bills, including penalties thereon, are paid in full, together with the payment of a sewer service reinstatement fee in an amount as provided in the village fee schedule in section 18-1. Furthermore, the sewer service customer shall be responsible for any and all charges of the investor-owned public utility providing water service in the village under this section, including the cost to terminate water service, the cost to resume water service and any lost water service revenues.

(c) Customer payments to bring delinquent accounts current under this section shall only be accepted by the village in cash or by credit card.

**SECTION 3.** Chapter 54 (Utilities), Article II (Charges, Rates, and Billing), Section 54-55 is hereby amended to read as follows:

**Sec. 54-55. Monthly sewer rates.**

The rates for the monthly fees for sewer services shall be as provided in sections 54-205 through 54-207 of the village fee schedule in section 18-1.

**SECTION 4.** Chapter 54 (Utilities), Article II (Charges, Rates, and Billing), Sections 54-56 through 54-87 are hereby repealed and shall be labeled as "reserved."

**SECTION 5.** Chapter 54 (Utilities), Article III (Sewer Service), Division 2 (Enforcement), Section 54-110 is hereby amended to read as follows:

**Sec. 54-110. Billing procedures and penalties.**

(a) Billing Procedures:

- (1) User charges for sewage services established by this article shall be billed monthly for all customers.
- (2) User charge bills rendered shall show (i) the names of persons charged, (ii) the location of property for which charges are made, (iii) the basis of the rate on which the charges are made, (iv) the amount due, (v) when and where the bill is payable, (vi) the period for which the charge is made, and (vii) any additional information deemed necessary by the superintendent for the department's purpose.

- (3) In the event that any delinquency exists on the date that a new bill is issued, such new bill shall also state (i) the amount of the delinquency, to date, (ii) the total amount of all penalties charged in connection with said delinquency, to date, and (iii) the earliest date of outstanding delinquency on the account in question.
  - (4) All amounts billed shall be due and payable within 15 days of the billing date, after which a penalty of two percent (2%) shall be added and shall be collected as a part of the bill.
  - (5) The village treasurer shall receive all revenue from the operation of the village sewer service and all other funds and moneys incident to the operation of the village sewer service as may be delivered to him, and deposit such revenues in the separate fund designated as the sewerage fund of the village. He shall administer such fund in every respect in the manner provided by the state municipal code, 65 ILCS 5/1-1-1 et seq., as amended, and in accordance with EPA user charge system regulations. The village treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the sewer service as provided by ordinance approved by the village board of trustees.
- (b) **Delinquency:** In the event charges for sewage service are not paid within thirty (30) days after due (*i.e.* forty-five (45) days after the date of the bill), such charges are and shall be delinquent and shall thereafter constitute liens upon the real estate upon or for which sewerage service is supplied.
- (c) **Lien Perfection Procedure:**
- (1) Once any charges for sewage service have become delinquent as set forth above, the Village Clerk shall send the owner or owners of record of the property upon or for which the sewerage service has been supplied, as referenced by the taxpayer's identification number as of the date of the delinquency, the following by regular and certified mail:
    - (i) A copy of each delinquency notice sent to the person(s) who is/are 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; and
    - (ii) A notice that unpaid charges or rates may create a lien on the real estate under this Section.
  - (2) After sending the notice specified in subpart (c)(1), above, the Village Clerk shall file a notice of lien in the office of the Kankakee County Recorder, which notice shall consist of a sworn statement setting out the following:
    - (i) A description of the property upon or for which the sewerage service has been supplied that is sufficient for the identification thereof; and

- (ii) The amount of money due for such sewerage service, including any and all penalties previously assessed, the cost of recording said notice, and an administrative fee of \$50; and
    - (iii) The date on which such amount became delinquent.
  - (3) After recording the notice of lien, the Village Clerk shall send a copy of the recorded notice to the owner(s) of record, as referenced by the taxpayer's identification number by regular and certified mail.
  - (4) At any time after recording a notice of lien, the Village shall have the power to foreclose such lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.
- (d) **Termination of Sewer Service:** In the event that sewer charges assessed against any particular property remain delinquent for more than ninety (90) days, the Village shall be authorized to terminate sewer service to such property, as follows:
- (1) The Village Clerk shall send a notice of the Village's intent to terminate sewer service to the owner(s) of record, as referenced by the taxpayer's identification number, of the property upon or for which the sewerage services have been supplied, by regular and certified mail, which notice shall include the following:
    - (i) A description of the property upon or for which the sewerage service has been supplied that is sufficient for the identification thereof; and
    - (ii) The amount of money due for such sewerage service, including any and all penalties and fees previously assessed, including any fees assessed in connection with the prior recording of any notice of lien; and
    - (iii) The date on which such amount became delinquent; and
    - (iv) A date for the termination of sewer services (should all assessed charges not have been paid), which date shall be not less than seven (7) days after the date the notice letter is sent; and
    - (v) A statement notifying the owner(s) of the property that they, or any other person interested in the continuation of sewerage service to the property, have a right to request a hearing, in writing, with the Village's finance director in order to dispute any/all of the charges made.
  - (2) In the event that the person(s) that hold the water and/or sewer account for any given property are different from the owner(s) of record, as referenced by the taxpayer's identification number, of said property, the Village Clerk shall also send a notice of the Village's intent to terminate water and/or sewer service to such person, by regular and certified mail, which notice shall contain all of the same information required by subpart (d)(1), of this Section.

- (3) The Village Clerk shall post or cause to be posted a termination notice on the property upon or for which sewerage service has been supplied, which notice shall contain all of the same information required in subpart (d)(1) of this Section, above.
- (4) The Village Clerk shall keep a form request for hearing available and shall provide copies thereof to any person that requests one.
- (5) In the event that any person files a written request for hearing, as set forth under this section:
- (i) The Village shall not terminate sewer services to the property in question until the requested hearing has been held; and
  - (ii) The Village's finance director shall set a date for hearing within fourteen (14) days, and shall notify said owner(s) and/or other interested party(ies) of the hearing date and location; and
  - (iii) The hearing shall be conducted before the Village's code hearing department, at which time the owner(s) and/or other interested party(ies), who may be represented by an attorney if they wish, may dispute any and all charges imposed by the Village and may present any and all evidence in support of their claims as they desire; and
  - (iv) At the conclusion of the hearing, the Village's hearing officer shall make a determination as to whether or not the charges assessed against the property upon or for which the sewerage services have been supplied:
    - 1. Were properly assessed; and
    - 2. Have been delinquent for more than ninety (90) days.
  - (v) In the event that the Village's hearing officer finds both of the forgoing in the affirmative, the Village may proceed to undertake any and all actions necessary terminate sewer services to the property in question.
- (6) In the event that sewer service to any property is terminated pursuant to this subpart (d), it shall not be reinstated unless and until all delinquent amounts have been paid in full, along with a sewer service reinstatement fee in an amount as provided in the village fee schedule in section 18-1.
- (e) So long as any charges assessed under this chapter remain outstanding and unpaid, regardless of whether any notice of lien has been filed or any termination procedures have begun, such charges shall bear interest at a rate of eight percent (8%) per annum until paid.
- (f) It shall not be a defense to any charge under this chapter that the owner of the property upon or for which sewerage services have been supplied did not receive any a bill or statement of sewer user charges, nor shall any such failure to receive any bill be grounds for nonpayment or reason to extend or defer the date



upon which payment is due or avoid the inclusion of penalties and interest. Owners of property which are subject to recording of notice of lien pursuant to the terms in this article shall be charged with notice of the existence of the charge and are responsible for ascertaining all amounts, if any, due as provided in this article. The fact that the record title owner is not the occupant of the property and/or the user of such service shall not relieve the owner of the burden on title caused by the recording of such lien or the foreclosure thereof.

- (g) The owner of any given property, the occupant of said property, and any and all other users of the sewerage services provided by the Village pursuant to this Chapter are and shall be jointly and severally liable for any and all charges assessed therefor.
- (h) All notices required to be mailed pursuant to this chapter shall be deemed to be given three (3) business days after they are deposited in the mail by the Village.

**SECTION 6.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 7.** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 8.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 9.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** by the Board of Trustees on a roll call vote on the 11<sup>th</sup> day of April, 2022.

**TRUSTEES:**

RYAN LEBRAN	Aye - <u>X</u>	Nay - ___	Absent - ___
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - ___	Absent - ___
DARREN WESTPHAL	Aye - <u>X</u>	Nay - ___	Absent - ___
BRIAN TIERI	Aye - <u>X</u>	Nay - ___	Absent - ___
GRANT D. VANDENHOUT	Aye - <u>X</u>	Nay - ___	Absent - ___
GENE JORDAN	Aye - <u>X</u>	Nay - ___	Absent - ___

**VILLAGE PRESIDENT:**

MICHAEL WATSON	Aye - ___	Nay - ___	Absent - ___
<b>TOTALS:</b>	Aye - <u>6</u>	Nay - <u>0</u>	Absent - <u>0</u>



**ATTEST:**

  
JULIE TAMBLING, VILLAGE CLERK

**APPROVED** this 11<sup>th</sup> day of April, 2022.

  
MICHAEL WATSON, VILLAGE PRESIDENT

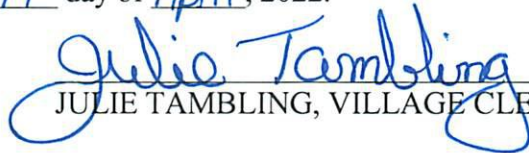
**ATTEST:**

  
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS        )  
                                          )  
COUNTY OF KANKAKEE    )        §§

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0012202 "AN ORDINANCE AMENDING CHAPTER 54 (UTILITIES) OF THE BRADLEY CODE OF ORDINANCES," which was adopted by the Village Corporate Authorities at a meeting held on the 11<sup>th</sup> day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 11<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK

(SEAL)





0-04-22-02

# Agenda Cover Memorandum

Meeting Date:  
4/11/22  
Fiscal Year: 2022

Internal Review
Initials
Date

Agenda Item: A Ordinance Amending Shutoff Procedures for Sewer

Item Type: X Ordinance Resolution  Other

Action Requested: X Approval  First Reading  For Discussion  Informational

Staff Contact: Name: Robert Romo  
Phone: 815 936-5107  
Email: rromo@bradleyil.org

Summary:

In the last few months, the Village has taken steps in collecting severe past due sewer bills. The attached Ordinance will amend the Village code and lay out new procedures that we will follow if we would have to disconnect service due to unpaid bills. If the customer is late 90 days, the Village will notify the customer, via certified and regular mail, that they will have 10 days to pay the full balance to avoid disconnection. The customer will also have the opportunity for a hearing with the Finance Director if they feel that they have been billed in error. The Finance Director will have 14 days to hold the hearing. If the Finance Director finds the customer was properly assessed and the bill is over 90 days late, termination procedures will presume.

Recommendation:  
Approve Ordinance

Supporting Documents:  
Attached Ordinance

Financial (if applicable)  
Is this a budgeted item? Yes  No Requires Budget Amendment  
N/A

Line Item: Title:

Amount Budgeted:

Estimated Cost: