

## CHAPTER 34

Utility Ordinance: Division 104 - User Charge System and Additional Charges (p. 25)

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### **Sec. 34 104.5 Billing Procedures and Penalties**

**104.5.1** User charge for sewage services established by this Article shall be made monthly for all residential customers. Each bill shall be rendered or dated on a monthly cycle following the period for which the charges are made. All residential bills for the monthly period of service shall be payable within 25 days from rendition. If a bill remains unpaid, either partially or totally after the due date, said charges shall then be delinquent and there shall be added a late-payment penalty in the amount of 1-1/2% (1.5%) of the outstanding balance, which will continue to be charged each month thereafter that the bill remains delinquent and outstanding. Whenever the period of usage of the City's Utility Systems is less than the full period, charges for such use may be pro-rated.

**104.5.2** User charge for sewage services established by this Article shall be made monthly for all non-residential customers. Each bill shall be rendered or dated on a monthly cycle following the period for which the charges are made. All non-residential bills for the monthly period of service shall be payable within 20 days from rendition. If a bill remains unpaid, either partially or totally after the due date, said charges shall then be delinquent and there shall be added a late-payment penalty in the amount of 1-1/2% (1.5%) of the outstanding balance, which will continue to be charged each month thereafter that the bill remains delinquent and outstanding. Whenever the period of usage of the City's Utility System's is less than the full period, charges for such use may be pro-rated.

**104.5.3** All non sufficient fund checks received by the Kankakee Municipal Utility will be subject to a \$25.00 charge plus all remedies available to the City under the civil and criminal remedies of the State of Illinois.

**104.5.4** User charge bills rendered shall show names of persons charged, location of property for which charges are made, basis of the rate on which the charges are made, the amount due, when and where payable, the period for which the charge is made, and any additional information deemed necessary by the Superintendent for the Kankakee Municipal Utility's purpose. If a delinquency exists, the amount of penalty charged and the date of the delinquency shall also be shown.

**104.5.5** The superintendent shall receive all revenue from the City's Utility Systems and all other funds and monies incident to the operation of the City's Utility Systems as may be delivered to him, and deposit all such revenues.

**104.5.6** For all residential users of the City's Utility Systems, a five percent (5%) discount may be allowed on their first bill of the City's fiscal year (May 1 through April 30) for the payment of user charges for utility services on an annual basis.

### **Sec. 34 104.6 Collection Procedures: Delinquent Residential Accounts**

**104.6.1** NOTICE OF VIOLATION: In the event a user charge rendered to any parcel of real estate or residential unit thereon becomes 90 days delinquent and the user/owner has received a Notice of Delinquency, the Kankakee Municipal Utility may prepare a Notice of Violation to be served on the user/owner in any of the following manners, or combinations thereof;

By regular first class mail addressed to the user/owner at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;

By certified or registered mail, return receipt requested, addressed to the user/owner at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;

By personal or abode service in a manner that, and by a person who, would be appropriate for the service of a Summons in a civil action on the individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of the service, except that no court order appointing the person serving shall be required; or

By publication in the manner and to the extent permitted in a civil action in lieu of service of Summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served not less than thirty (30) days before service of a Notice of Disconnection is made. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary.

The Notice of Violation shall specify the amount of delinquent user charges and penalties, the period of delinquency and the service. The Utility may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

**104.6.2** NOTICE OF DISCONNECTION: If payment of the delinquent user charges does not occur within 30 days of service of the Notice of Violation, a Notice of Disconnection shall be served by one of the methods prescribed (with the exception of regular first class mail) at least thirty (30) days prior to the disconnection date to the users, the owner and to the mortgage and lien holders of record. The building code enforcement office shall be notified of the disconnection date. The Notice of Disconnection shall state the service address, the amount of delinquent charges, interest, and penalties, and the earliest date on which disconnection might take place.

A property disconnected pursuant to the provisions of this Chapter may be reconnected upon payment by cash or certified check of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the Kankakee Municipal Utility in performing the disconnection as well as costs assessed. Any reconnection pursuant of this Section must comply with all ordinances of the Kankakee Municipal Utility. A disconnect fee and a reconnect fee will be assessed and collected by the Kankakee Municipal Utility in all cases. No reconnection shall be made if the user is otherwise indebted to the City of Kankakee, until such time as said indebtedness or other charges are paid in full.

**104.6.3** LIENS: Whenever such user charges for sewage service become delinquent as set forth herein, the same shall become and constitute a lien upon the real estate to which sewage service is supplied. The Superintendent shall file sworn statements showing such delinquencies in the Office of Recorder of Deeds of the County of Kankakee, Illinois, which shall be deemed notice of the lien for payment of such sewage service. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate sufficient for the identification thereof, upon and for which sewage service was supplied, (b) the amount or amounts of money due for such sewage service and (c) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording as provided by law, the City may foreclose such lien in a like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, the City may in its discretion, file suit to collect such amounts as are delinquent and due against the owner of the real estate or against the occupant or user of the real estate in a civil action and shall collect, as well, all court costs pertaining to said action, the same to be fixed by order of the court plus the cost of preparation of such notices and forms required.

**104.6.4** ADDITIONAL CHARGES: In all cases where the user charge for sewage service has become delinquent and the City elects to file a statement thereof in the Office of Recorder of Deeds as hereinabove set forth, there shall be added in addition to the amount due the City such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus the recorder's fee for the filing of such statement plus the cost of preparation of such notices and forms required. In each instance, the Superintendent shall be authorized and directed to include such additional costs in the amount claimed due the City in the notice of lien.

The Kankakee Municipal Utility shall add interest at a rate of eight percent (8%) per annum on all liens filed against

property owners for delinquent charges, and shall add interest at a rate of nine percent (9%) per annum on all judgments filed against users or property owners for delinquent user charges.

**104.6.5** OWNER RESPONSIBILITY: The failure of any owner of property or sewer user to receive a bill or statement of user charges shall not be grounds for non payment or reason to extend or defer the date upon which payment is due or avoid the inclusion of penalties and interest. Record title owners of property which are subject to recording of notice of lien or judgment pursuant to the terms herein shall be charged with notice of the existence of the charge and are responsible for ascertaining from all amounts, if any, due as provided in this Article. The fact that the record title owner is not the user pursuant to the definition thereof in this Article shall not relieve the owner of the burden on title caused by the recording of such lien or judgment or the foreclosure thereof.

**104.6.6** PRE-EXISTING, PAID-UP CONTRACTS: Any written contracts or agreements between the City of Kankakee and the user/owner that were entered into prior to the effective date of this Ordinance and in which the payments are up-to-date will continue in full force and effect so long as payments are current. All other agreements are hereby declared to be null and void.

**104.6.7** AMNESTY: No property will be disconnected if the owner/user makes payment in full of all outstanding user charges for said property by December 31, 2000. The City of Kankakee agrees to waive all interest charges on said overdue payments if they are otherwise paid in full by December 31, 2000.

**104.6.8** APPLICATION OF PAYMENTS: The user/owner of multiple properties may designate on the payment which properties said payment is to apply to. If not designated, the City of Kankakee reserves the right to apply the payments to any property of the user/owner which has an outstanding balance.