

ORDINANCE NUMBER 2019-01
Water Usage
AMMENDED MARCH 2019

WHEREAS, "NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HENDERSON, NERECER COUNTY, ILLINOIS, AS FOLLOES:"

WHEREAS, it has been determined by The Board of Trustees to increase the Past Due Penalty Fee; and

WHEREAS, the Village of North Henderson wised to amend ordinance 2013-11 with ordinance 2019-01 concerning increases in Late or Past Due Payments, section 4, paragraph (B)

WHEREAS, in compliance with the Village's "Reserve Fund and Debt Policy"; the Village of North Henderson Board of Trustees wishes to further define the required process for establishment of certain funds designed to preserve the Village's water supply system, by written definition for paragraphs B of Section 4 titled Late or Past Due Payments, by amending of ordinance number 2013-11 with ordinance 2019-01.

DEFINITIONS:

The Village of North Henderson: An incorporated municipality in Mercer County, Illinois hereafter referred to as "The Village" or village.

Water Superintendent: Person in charge of The Village of North Henderson Water Works System and hereafter known as: "The Superintendent."

Designee: A person or persons appointed by The Village of North Henderson Board of Trustees to represent their interest in various capacities and hereafter know as: "Designee."

Collector: A person appointed by The Village of North Henderson Board of Trustees to represent the interest as assistant to the Village Clerk and under direction of the Village Clerk hereafter know as "The Collector."

USPS: United State Postal Service

Past Due: Payment of monthly water charge(s) after scheduled payment date established by The Village Board of Trustees.

Proper Notice: Mailing by the Village Clerk of monthly charges via United States Postal Service to the last address on file with the Village Clerk. Receipt of said mailing shall be conclusively assumed 2 days after mailing.

SECTION 1: WATER SERVICE RATE:

- (A) Base (minimum) charge per month for 2000 gallons of water or less: \$16.404
- (B) Charge per usage in excess of 2000 gallons per month: \$.005054/gallons consumed/month
- (C) Charge per month for storage tank roof repair: \$2.083

Water fund Storage Tank Roof Repair Savings Reserve Funds

Purpose:

The Village Board of 2010, in Ordinance No. 4-2010, deemed the necessary collections of funds from the water system customers to replace the roof of the water storage tank. The funds collected are to be used solely for the following future purposes:

- Replacement of the stainless steel roof on the Harvestor 32,000 gallon water storage tank. "The water storage tank" is properly defined by IEPA terminology as the Water Retention Tank.

Limitations:

Limits for the collection of these funds shall be set at an estimated \$40,000. This amount shall be reviewed annually to determine needed collection cost increases.

No routine maintenance or operating cost shall be paid for from this fund

Parameters:

The amount to be collected will be reviewed annually and rates adjusted by the below stated formula determining the estimated amount a new stainless roof may cost in 2027.

Determining Formula:

Annual Amount to be collected = $\frac{\text{Estimated Roof Repair Cost in 2027/20}}{\text{Total \# of Active Water Customers in the current year}}$

(D) Charge per month for depreciation fund: \$5.644

Water Fund Depreciation Savings Reserve Funds

Purpose

The Village Board of 1957, in Ordinance No. 2, deemed the necessary collections of funds from the water system to provide an adequate depreciation fund. The funds collected are to be used for the following purposes:

- Current repairs and additions to the water system and physical property of the water system
- Emergencies arising from unforeseen events
- Capital projects directly for the water system and the physical property of the water system
- Costly non-routine maintenance procedures
- Other critical needs of the water system that may include capital expenditures

Limitations:

Limits for the collections of these funds will be set at the accumulated depreciation for fixed assets of the water system. The accumulated depreciation will be reviewed at each annual audit to determine the limits to any depreciation collections.

No routine maintenance or operating costs shall be paid from this fund.

Parameters:

The amount to be collected will be reviewed annually and rates adjusted by a formula determining the estimated amount of accumulated depreciation in the next twenty (20) years.

Determining Formula:

Annual Amount to be collected = $\frac{\text{Estimated Accumulated Depreciation (20 years)}}{20}$
Total # of Active Water Customers in the current year

(E) Charge per month for water improvement loan repayment: \$12.50

Water Fund Improvement Loan Repayment Reserve Funds

Purpose:

The Village Board of 2011, in Ordinance No. 1-2011, determined the necessary collections of funds from the water system to provide the ability to repay a loan from Farmers State Bank of Western Illinois for major capital improvements to the water system. The funds collected are to be used for the following purposes:

- Repayment of loan #75584
- In the event alternative funding is provided, such as a bond issue, these funds may be used to repay the bonds.

Limitations:

The limits for the collections of these funds will be set at the total amount of the loan which is \$150,000 plus interest. The monthly payment of the loan is set at \$897.42 until 2032. Any remainder collected over and above the \$897.42 will remain in the reserve fund in the event paying customers fall below the minimum loan payment amount of \$897.42 per month.

No routine maintenance or operating cost shall be paid for from the fund.

Parameters:

The amount to be collected shall be limited to the \$150,000, plus bank charged interest. Once the loan and interest have been retired, this amount shall no longer be collected from the Village water customers

SECTION 2: UNMETERED CUSTOMERS:

- (A) There shall be no unmetered water connections, including private, commercial, government, or churches.

SECTION 3: DUE DATE

- (A) Water charges will be billed monthly commencing the 1st day of the 7th month (July) of the year 2011.

SECTION 4: LATE OR PAST DUE PAYMENTS:

The Village of North Henderson Ordinance 2013-11 is hereby amended to read as follows:

- (A) If the charges for water services are not paid by the 28th day of the billing month and after rendition of the bill for such service, such services may be disconnected within 10 d calendar days,

- (B) All balances remaining after the 28th day of the billing month will accrue a penalty of \$20.00 a month effective April 1, 2019. Any remaining balance left unpaid after the next 10 calendar days will be disconnected.
- (C) Disputing of late water charges may be accomplished by a written notice to the Village Clerk within 10 calendar days of receipt of USPS dated monthly bill or date of electronic (paperless) dispatched monthly bill. A water customer may request a hearing before the Board of Trustees at their next regular scheduled monthly meeting. Receipt of a hearing request by the Village Clerk will postpone disconnection action by the Village until results of said hearing is concluded.
- (D) That in the event water service is disconnected, to any premise, for nonpayment of water usage: Water service will not be reinstated until all past due bills, penalties and current charges are paid in full together with a payment of a \$50.00 fee for reinstating such service. The Village shall require its water customer to reimburse the Village Treasurer for all costs involved with collection of late water bills should any occur. Costs may include mailing of late/collection notice(s), all legal costs, including attorney and/or court costs to collect late water charges.
- (E) The Village Board of Trustees reserves the right to order the Village Clerk to file with the Village's Attorney, notice to place a lien upon any premises with past due water usage charges.

SECTION (5): RESPONSIBLE PARTY (S):

- (A) Landlord and tenant alike are responsible for any unpaid water charges.

SECTION (6): HARDSHIP:

- (A) That any water customer delinquent in payment for water service and is a hardship case, may present their case before the Village Board of Trustees, at the next regularly scheduled Village meeting by contacting either the Village Clerk or Village President so as to be placed on said meeting agenda at least 5 days prior to said meeting.
- (B) After hearing water customer hardship case presentation, The Village Board of Trustees may adjust or establish a payment schedule to better suit the water customer circumstances. This will include discontinuance of all penalty clauses of this ordinance. They will report such scheduled details to the Village Clerk or Collector. The Village Clerk will report at regularly scheduled meetings if said water customer is in compliance with adjusted payment schedule until past due amounts are paid in full. If said water customer fails to comply with the adjusted payment schedule than the adjusted payment schedule will be null and void and all penalties under this ordinance will apply. At no time may The Village Board of Trustees change the rates of Section 1 without changing rates for all customers of The Village.

SECTION (7): OWNERSHIP/TAMPERING:

- (A) All water meters are exclusive property of Village of North Henderson
- (B) Meters are to be installed and/or removed by Water System employee or such person so designated by the Village Board of Trustees.
- (C) If any person tampers with or in any way makes or attempts to make an improper use of or adjustment of any water meter, stopcock, or service pipe or attempts in any way to avoid payment of the proper amount due or to become due for the water obtained or to be obtained or used by such person or for his benefit, then in any of said events the Water Superintendent or designee shall have the right, without notice, to immediately discontinue the water service of

such person and/or charge costs for all resulting damages and costs to be reflected on the following month's water charges.

- (D) Any person willfully violating any of the prohibitions or provisions of this ordinance shall be guilty of misdemeanor and shall, on conviction, be fined in a sum not to exceed \$300 or imprisoned for not more than 90 days or both.
- (E) All turn on or turn off valves installed in a customer's service line from the main to the meter will remain property of Village of North Henderson.
- (F) No person shall make any excavation or trap any water main without notifying the Village getting the requires permit stating thereupon the name of the name of the responsible competent person doing said excavation.
- (G) "Competent Person" shall show proof of liability insurance in the amount of \$1,000,000 and furnish copy of said insurance indication The Village as additionally insured.
- (H) Request to "turn off and /or disconnect" water service to a premise may only be requested by the owner, landlord, tenant or person recorded by Village records as the financially responsible person paying water charges at said location or address.

SECTION (8) **RIGHT OF REPAIR:**

- (A) The Village reserves the right to enter private property for maintenance procedure(s), calibration, replacement or service of its' water meters.
- (B) The Village shall notify property owners or tenants of its' intent to enter their private property with a 7 day notice in writing via United States Postal mail, direct delivery to person in charge of said private property or by affixing written notice to business or resident buildings door area.
- (C) Failure to permit Village water personnel to enter private property for maintenance procedures, calibration, replacement or service of its water meters will result in termination of water service and all associated fees or charges for re-establishment of service.

SECTION (9): **TAP-ON:**

- (A) At any location in the Village where water system service is requested and a line from the Village water system main to property of question does not already exist, a Tap-on fee of \$300 will be charged.
- (B) Any and all "Tap-on(s)" to the Village water system must be performed and completed by a licensed plumber.
- (C) Prior to a licensed plumber disturbing any soil associated with or commencing with any tap-on project, said plumber must notify the Village Water Superintendent or designee and present a written plan describing the project including the date of expected tap-on procedure and the date expected of project completion.
- (D) Any project plans requiring soil disturbance within The Village must be accompanied with a "JULIE dig number".
- (E) Licensed Plumber must provide proof liability insurance in the minimum amount of \$1,000,000.
- (F) Said insurance will remain in effect until all street(s), gutters and/or soil have been returned to like same or better condition than prior to projects commencement.
- (G) Proof of compliance with Section 8 paragraph E will be confirmed in written statement from the Village Water Superintendent or designee.
- (H) Licensed Plumber must provide proof The Village is named as additional insured on said item (D) above with statement from licensed plumber's insurance company.

- (I) After receipt of items D & e above the Water Superintendent or designee will issue a letter or permit indicating receipt of Licensed Plumber written project plan and authorizing said Licensed Plumber to proceed with water system Tap-on(s). Any said fee for water tap-on must be paid prior to letter or permit issuance.
- (J) All water connections beyond the water meter connecting into the Village water main are to be maintained in a good state of repair, and at a depth so as to protect it from injury by frost.

SECTION (10): CUSTOMER NAME CHANGE:

- (A) At any time the responsible water customer request a name change for billing purposes or water service turn-on, a \$50.00 administrative fee will be charged.

SECTION (11) TRANSFERS:

- (A) No person shall transfer their water service from one location to another, except as hereinafter set forth. When premises are vacated, or the use of thereof discontinued by a water customer, they shall pay their bill in full for the old location and make all necessary arrangements for the new tap-on before being entitled to any further water service, and the customer shall pay the administrative fee of \$50.00 for transfer of water service from one location to another. Relocation, at the request of an owner or customer if a water meter, connection or tap-on on the same property shall require compliance with Section 9 of this ordinance. No person shall be entitled to a water tap-on at any location if they are in arrears for water service at that or any other location.

SECTION (12) AMENDMENTS:

- (A) All ordinances or parts of ordinances in conflict herewith are repealed.
- (B) This Ordinance shall be amended as necessary, to comply with Federal or State Regulation.

SECTION (13) RATE ADJUSTMENT:

- (A) Base rates as described under Section 1 paragraph (A) will be adjusted on an annual basis to correspond with the Federal Government Cost of Living index and/or a desecration of the Village Board of Trustees to assure funds are available for system up keeping.

SECTION (14) INSURANCE:

- (A) At any time when excavation is required near or around The Village water system mains or lines the Water Superintendent or designee must be notified in writing prior to excavations commencement.
- (B) Written statement describing extent of excavation must include reason for project, commencing and concluding dates, proof of liability insurance in the minimum amount of \$1,000,000.00 must be provided. The Village must be indicated as additionally insured on said proof of insurance.
- (C) Proof of insurance must be in effect throughout entire project and until all street(s), gutters and/or soil have been returned to like same or better condition than prior to projects commencement and project is in compliance with Section 9, paragraph H.

SECTION (15) NONRESIDENT CUSTOMER:

- (A) Private or commercial initiates requesting water service to their property that is not within the corporate limits of The Village will be responsible for compliance with all paragraphs responsibility and insurance above, plus they will be responsible for any and all costs to extend a water line to their property.
- (B) Nonresident customers will be responsible for entire rates of Section 1 plus two (2) times the fee of Section 1 paragraph A.
- (C) At a time if nonresident customer chooses to annex their property into corporate limits of The Village their water rates will b adjusted to comply with Section 1.

SECTION (16): MULTIPLE RESIDENT HOUSING OR BUSINESS:

- (A) In the event a structure contains housing for multiple residential housing and/or multiple business location, each unit if residence and/or business must comply with Section 1 and all other sections of this ordinance as if they were a standalone structure.

SECTION (17): IN EFFECT:

- (A) Effective date of this ordinance shall be 10 days after its adoption and will remain in full force after its passage, approval and publication as provided by law.

Adopted this 14th day of March, 2019 pursuant to roll call vote as follows:

	YEA	NAY	ABSENT	ABSTENTION
Angie Chandlee	_____	_____	__X__	_____
John Hoefler	__X__	_____	_____	_____
Tiffany Leffler	_____	_____	__X__	_____
Don McGraw	__X__	_____	_____	_____
Karin Simkins	__X__	_____	_____	_____
Vanessa Olson	__X__	_____	_____	_____

ATTEST:

Melody Hall Village Clerk

Carol Rogers Village President

Published by posting on this 12th day of April 2019

Melody Hall, Village Clerk

Seal of
The Village of North Henderson