

**ORDINANCE NO. \_11-02\_**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF  
THE VILLAGE CODE REGARDING  
WATER AND SEWER CHARGES AND PAYMENTS**

WHEREAS, the Village of Kirkland has the authority to regulate and protect the public health, safety, morals and welfare of the Village;

WHEREAS, the Village is authorized by the Illinois Municipal Code to establish rates for the use of the services supplied by the combined water works and sewage systems in the Village;

WHEREAS, the Village Board finds and determines that certain Sections of the Village Code should be amended to reflect the manner in which payment is collected for the water and sewer charges.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Kirkland, DeKalb County, Illinois, as follows:

Section 1. The above-stated recitals are, incorporated by this reference.

Section 2. Section 31.02(H) is hereby repealed in its entirety and replaced as follows:

(H) *Water and sewer charges.* The Clerk shall, in accordance with applicable ordinances, compute all the charges for water and sewer service provided by the village; send statements for the service in accordance with the Village's billing practices; receive payment; and report to the Board of Trustees all delinquent accounts.

Section 3. Section 51.05 of the Village Code is hereby repealed in its entirety and replaced as follows:

**§ 51.05 BILLS AND LIABILITY FOR PAYMENT.**

(A) Water and sewer user service charges shall be billed on a bi-monthly basis to all users. Payment shall be due not less than 15 days after the date of the bill. If payment of the entire amount of the bill for water and/or sewer user service charges is not received by the village on or before the due date, then a late payment penalty of 20% of the unpaid balance of the bill shall be

added thereto and become due and payable.

(B) The owner or occupant of a property who has not paid the water and/or sewer bill when due shall be sent a notice indicating that a penalty is due in addition to the delinquent bill. The owner or occupant shall have ten (10) days from the date of the notice to pay the delinquent bill and penalties in full.

(C) If the water and/or sewer user service charges, including any penalty then due, are not paid in full by the date specified in the delinquency notice, the service shall be discontinued without further notice and shall not be reinstated until all past due bills including the penalties thereon are paid in full, together with an additional payment of \$100.00 for shutting off and reinstating the services.

(D) In the event the water and/or sewer user service charges including any penalty then due are not paid by the date specified in the delinquency notice, the charges and penalty shall be deemed and are hereby declared to be delinquent, and thereafter the village may file a notice of lien claim with the County Recorder of Deeds. This notice of lien claim shall include the legal description of the property to which sewer service was provided, the amount of the unpaid user service charges and penalties, and a notice that the village claims a lien for the stated amount as well as for all water and sewer service user charges and penalties, subsequent to the period for which the bill was rendered. Wherever the person whose user service charges are delinquent is not the owner of the property to which service was provided by the village, and the village has previously received notice of this, notice of delinquency and lien shall be mailed to the owner of the property if his or her address is known by the village. The failure of the village to record the lien with the County Recorder of Deeds, or to mail the notice of delinquency and lien to the owner of the property, or failure of the owner to receive the notice shall not affect the right of the village to foreclose the lien for unpaid bills as mentioned in the Section.

(E) Property subject to a lien for unpaid water and/or sewer user service charges may be foreclosed in the same manner as mortgages and judgments on or against real estate are foreclosed.

(F) In addition to filing a notice of lien, the village may file a civil suit against owners or occupants whose utility bills have been delinquent for at least thirty (30) days. In addition to all delinquent amounts and fees, the owner or occupant shall pay the village's actual attorney's fees and costs in seeking recovery for nonpayment for such utility services.

(G) The owner of the premises, the occupant thereof, and the user of the water and/or sewer service shall be jointly and severally liable to pay for the service to the premises, and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the village.

Section 4. All ordinances in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.