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**THE VILLAGE OF TINLEY PARK**  
**Cook County, Illinois**  
**Will County, Illinois**

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**ORDINANCE**  
**NO. 2019-O-032**

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**AN ORDINANCE AMENDING TITLE V CHAPTER 50 OF THE TINLEY PARK  
MUNICIPAL CODE ENTITLED “WATER” PERTAINING TO THE REPLACEMENT  
OF WATER METERS, DELINQUENT NOTICES, AND RECONNECTION FEES**

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**JACOB C. VANDENBERG, PRESIDENT**  
**KRISTIN A. THIRION, VILLAGE CLERK**

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**VILLAGE OF TINLEY PARK**

Cook County, Illinois

Will County, Illinois

**ORDINANCE NO. 2019-O-032**

**AN ORDINANCE AMENDING TITLE V CHAPTER 50 OF THE TINLEY PARK MUNICIPAL CODE ENTITLED “WATER” PERTAINING TO THE REPLACEMENT OF WATER METERS, DELINQUENT NOTICES, AND RECONNECTION FEES**

**WHEREAS**, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

**WHEREAS**, the Village of Tinley Park (“Village”) desires to periodically update and modernize its water meters throughout the Village to allow for more accurate water usage tracking and collection practices; and

**WHEREAS**, in furtherance of such goals, the Village desires to amend its Title V of the Village Code Chapter 50 entitled “WATER,” to regulate and describe the Village’s authority to update and modernize water meters used throughout the Village; and

**WHEREAS**, the Village wishes to improve its method of delivery of delinquent notices for unpaid utility services rendered prior to discontinuance of service; and

**WHEREAS**, the Village finds the need to update the charges for reinstatement of utility services to cover the costs associated therewith; and

**WHEREAS**, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to amend Title V Chapter 50 pursuant to this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

**SECTION 1:** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**SECTION 2:** That Title V Chapter 50 entitled “WATER,” is hereby amended by deleting the strikethrough language and adding the underlined language as follows:

## **§ 50.056 PURCHASING OR REPLACING METERS.**

~~All water meters used to measure water purchased or otherwise obtained from the water system of the village shall be purchased from the village. This amount shall be paid to the village before any water service is connected to the water mains. Where an old meter becomes worn beyond repair and is no longer serviceable, it shall be replaced by the village at no expense to the customer. Where a customer wishes to replace a serviceable meter with one of a different size, the customer shall pay to the village, before the replacement meter is installed, the difference between the salvage value of the meter to be replaced, as determined by the Director of Public Works, and the cost of the new meter.~~

All water meters used to measure water purchased or otherwise obtained from the water system of the Village shall be purchased from the Village. This amount shall be paid to the Village before any water service is connected to the water mains.

Where an old meter becomes worn beyond repair and/or the Director of Public Works declares that the water meter is no longer serviceable, it shall be replaced by the Village at no expense to the customer.

The person and/or property owner receiving water service shall provide the Village reasonable access to the meter for inspection, service, or replacement, upon request. It shall be the responsibility of the person and/or property owner receiving water service to provide the necessary time to the Village during normal business hours to access the water meter for such inspection, service, or replacement.

In the event access to the water meter is denied either by verbal or written notification, or by no response to a written notice, the Director of Public Works shall cause discontinuance of water service until this requirement is fully complied with and/or the Village shall have the authority to charge a "Non Compliance" service fee of \$200 per billing cycle including any period in which access to the metering device has been withheld or denied.

Any discontinuation of water service will occur only after notice and an opportunity for hearing in the same manner as provided in § 50.021.

The fee for Reinstatement of Service, as provided in § 50.029, shall be charged to the person and/or property owner receiving water service if such water service is discontinued as a result of non-compliance with this Section.

Where a customer wishes to replace a serviceable meter with one of a different size, the customer shall pay to the Village, the difference between the salvage value of the meter to be replaced, as determined by the Director of Public Works, and the cost of the new meter. Such payment shall be made before the replacement meter is installed.

**SECTION 3:** That Title V Chapter 50 entitled “WATER,” is hereby amended by deleting the strikethrough language and adding the underlined language as follows:

**§ 50.028 DELINQUENT PAYMENT; SERVICE DISCONTINUATION; HEARING; LIEN.**

~~(A) In the event the charges for service are not paid within 30 days after rendition of the bill for service, the charges shall be deemed delinquent and notice of discontinuation of service and the filing of a lien against the property in the amount of the delinquency shall be sent in writing to the taxpayer whose name appears on the taxbill for the parcel as the owner of the premises, the occupant of the premises, and the user of the service by U.S. mail, postage prepaid. Such notices shall state that the delinquency could create a lien on the property and that discontinuation of service shall occur within 72 hours of the date of the notice unless within that time period the village receives a written request from the owner, occupant or user stating a desire to dispute or discuss the delinquent payment in which case a hearing will be scheduled before the Village Manager, or a designee; prior to discontinuation of service.~~

(A) In the event the charges for service are not paid within 30 days after rendition of the bill for service, the charges shall be deemed delinquent and notice of discontinuation of service in the amount of the delinquency shall be sent in writing to the taxpayer whose name appears on the real estate tax bill for the parcel as the owner of the premises, the occupant of the premises, and the user of the service by U.S. Priority Mail. Such notices shall state that the delinquency could create a lien on the property and that discontinuation of service shall occur within 72 hours of the date of delivery of the notice unless within that time period the Village receives a written request from the owner, occupant or user stating a desire to dispute or discuss the delinquent payment in which case a hearing will be scheduled before the Village Manager, or a designee; prior to discontinuation of service. In addition to such notice, the account shall be assessed a Delinquency Notice Charge in the amount of \$25.

(B) In the case of buildings with three or more residential apartments, notice of discontinuation of service shall be provided to all tenants pursuant to the provisions of the Rental Property Utility Service Act (ILCS Ch. 765, Act 735 § 1 et seq.) by posting a notice to be printed on red paper, with the words "Notice of Utility Termination" printed in 36 point bold face type, the remainder in 14 point bold face type, stating: 1) that no sooner than 10 days after posting, service will be terminated; 2) that tenants have the right to pay the bill and deduct the amount from rental payments or petition the court for a receiver to be appointed to collect rents and remit a portion of the rents for payment of the utility bills directly; 3) the dollar amount due and owing and the average monthly bill; 4) the name and telephone number of a legal services agency where the tenants may obtain free legal assistance; and 5) the warning: 'It is unlawful for the landlord or his or her agent to alter, deface, tamper with, or remove this notice. A landlord or his or her agent who violates this provision is guilty of a Class C misdemeanor.'

(C) If the bill remains unpaid and the owner, occupant or user does not request a hearing within the time allowed under Subsection (A), fails to appear for a scheduled hearing or does not

successfully dispute the bill at the hearing or come to a settlement in relation to the bill, ~~notice shall be posted on the property that service will be discontinued any time subsequent to 48 hours after the day of posting. To obtain service after discontinuation, all charges and fees related to discontinuation and re-connection of service must be paid. such utility service shall be~~ disconnected at the Village's convenience as provided under Subsection (A).

(D) If the bill remains unpaid and the owner, occupant or user does not request a hearing within the time allowed under Subsection (A), fails to appear for a scheduled hearing or does not successfully dispute the bill at the hearing or come to a settlement in relation to the bill; a Notice of Lien ~~shall~~ may be prepared consisting of a sworn statement setting out a description of the real estate upon or for which service was supplied, the amounts of moneys due, and the date or dates when the amounts became delinquent. A copy of the Notice of Lien shall be sent to the taxpayer whose name appears of the tax bill as the owner or owners of record of the property and shall be recorded by the ~~village~~ Village in the office of the County Recorder in the county in which the property is located. In all cases where a lien has been recorded, to release the lien a fee of ~~\$50~~ \$200 shall be charged in addition to the delinquent and current charges, including such additional charges as provided under this Section, § 50.029, § 50.030 or § 50.056.

(E) Property subject ~~to~~ to lien for unpaid utility charges ~~shall~~ may be sold for nonpayment of same at the discretion of the Village, and the ~~The~~ proceeds of the sale shall be applied to pay the charges, after deducting the costs, as is the case in the foreclosure of statutory liens. A foreclosure shall be by bill in equity in the name of the Village. When directed by the President and Board of Trustees of the ~~village~~ Village, the Village Attorney is authorized and directed to institute proceedings in a civil action in the name of the ~~village~~ Village in any court having jurisdiction of such matters, to recover the money due for services rendered plus reasonable attorneys' fees as provided under Section § 50.030. Judgment in such a civil action shall operate as a release and waiver of the lien for the amount of the judgment.

(F) Purchasers of property which has accumulated unpaid bills for utility service are liable, as subsequent owners of the property, for the unpaid charges for the prior service, plus any fees or fines related thereto. Future utility service will be denied if said amounts are not paid upon purchase; and/or the ~~village~~ Village may act to foreclose any utility lien filed against the property.

**SECTION 4:** That Title V Chapter 50 entitled "WATER," is hereby amended by deleting the strikethrough language and adding the underlined language as follows:

**~~§ 50.029 DELINQUENT PAYMENT; REINSTATEMENT OF SERVICE.~~**

~~—If the charges for service are not paid within 30 days after rendition of the bill for service, service shall be discontinued after notice and hearing in the same manner as provided for in § 50.028. Service shall not be reinstated until all past due bills including the additional charges thereon are~~

~~paid in full, together with payment of \$25 for reinstating service, and reimbursement of any attorney's fees as provided in § 50.030.~~

**§ 50.029 REINSTATEMENT OF SERVICE.**

If service shall be discontinued as provided for in § 50.028 or § 50.056, service shall not be reinstated until all outstanding balances, including any and all additional charges thereon are paid in full. Such additional charges shall include the charges provided in § 50.028, and reimbursement of any attorney's fees as provided in § 50.030. In addition to the aforementioned, the payment of \$150 for Reinstatement of Service is required.

**SECTION 5:** Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

**SECTION 6:** That this Ordinance shall be in full force and effect from and after its adoption and approval.

**SECTION 7:** That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 18<sup>th</sup> day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 18<sup>th</sup> day of June, 2019.

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VILLAGE PRESIDENT

ATTEST:

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VILLAGE CLERK

STATE OF ILLINOIS        )  
COUNTY OF COOK        )     SS  
COUNTY OF WILL        )

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-032, “AN ORDINANCE AMENDING TITLE V CHAPTER 50 OF THE TINLEY PARK MUNICIPAL CODE ENTITLED “WATER” PERTAINING TO THE REPLACEMENT OF WATER METERS, DELINQUENT NOTICES, AND RECONNECTION FEES.” which was adopted by the President and Board of Trustees of the Village of Tinley Park on June 18, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 18<sup>th</sup> day of June, 2019.

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KRISTIN A. THIRION, VILLAGE CLERK