

ORDINANCE NO. 40 – 2021

AN ORDINANCE PROVIDING FOR RATES AND CHARGES  
AND BILLING PROCEDURES OF THE  
FOSTERBURG WATER DISTRICT  
MADISON COUNTY, ILLINOIS

**WHEREAS**, the Board of Trustees of the Fosterburg Water District ("Board"), Madison County, Illinois "District" now owns and operates waterworks properties providing water service to the inhabitants of the District encompassing portions of Madison County and Macoupin County, Illinois; and

**WHEREAS**, the District operates the waterworks properties in accord with and pursuant to the Illinois Public Water District Act found at 70 ILCS 3707/1 et seq; and

**WHEREAS**, pursuant to Ordinance No. 1 of the District adopted on April 12, 1973, procedures were established for payment of bills including due dates and penalties for late payment; and

**WHEREAS**, the Board is charged with responsibility for establishing rates and charges for the use and service of the waterworks properties which shall be sufficient at all times to pay the cost of operations and maintenance of the District, to pay the principal of and interest upon all revenue bonds issued, and/or other loans entered into, and to provide a reasonable depreciation fund as established pursuant to the provisions of any ordinances authorizing the issuance of any revenue bonds or other debt instruments; and

**WHEREAS**, the Board deems it desirable and necessary and in the best interest of the inhabitants of the District that its procedure for payment of bills be updated to include provisions for penalties and imposition of liens upon real estate in the event of nonpayment of bills; and

**WHEREAS**, the Board is authorized under the provisions of 70 ILCS 3705/23 and 70 ILCS 3705/23(f) to establish from time to time by ordinance, rates, charges, rules and regulations for use and service of the waterworks properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOSTERBURG WATER DISTRICT, MADISON COUNTY, ILLINOIS, AS FOLLOWS:**

**A. Billing Procedure:**

**Section 1:** The District will read all water meters each month and generate a bill to the applicant/user of water services as reflected on an Application for Water Service.

**Section 2:** The monthly bill shall reflect actual usage for the preceding period. In the event circumstances prevent a meter reading from being obtained, an estimated bill will be generated.

**Section 3:** All bills will be due and owing on or before the due date set out on the bill. To be considered timely paid, payments must be received by the due date.

**Section 4:** A penalty of ten percent (10%) of the face amount of the bill shall be assessed on all bills not paid on or before the stated due date.

**Section 5:** All bills for water service must be paid by the applicant/user at the District office or at the District's website through its electronic portal.

**Section 6:** In the event any check for payment of bills should be returned by the financial institution on which it is drawn for reason of insufficient funds, no account or otherwise dishonored; the check shall be charged back to the applicant's account along with a "Bad Check" penalty of \$20.00 for each check so dishonored.

**Section 7:** Any bill not paid on or before the due date stated on the bill shall be considered delinquent.

**Section 8:** All charges or bills, including any penalties for late payment, are liens upon the real estate for which water service is supplied or made available whenever the charges or bill becomes delinquent.

## **B. Imposition of Lien**

**Section 1.** A lien for charges or rates, including any penalties for late payment, shall be established upon the real estate parcel ("parcel") for which service is supplied or made available whenever the charges or rates become delinquent as set out under Part A, Section 7.

**Section 2.** As part of the lien validation, the District shall send to the owner or owners of record of the parcel, as referenced by the applicable County taxpayer parcel identification, the following:

- (a) A copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer identification number, that the charges or rates have become delinquent; and
- (b) A notice that unpaid charges or rates may create a lien on the parcel served; and
- (c) A date certain by which the lien notice will be recorded, if all outstanding charges are not paid in full; and
- (d) Notification that if a lien is recorded, an additional flat clerical fee of \$50.00 plus all applicable recording fees, shall be added to the account outstanding.

### **C. Disconnection of Service**

**Section 1.** Whenever a bill remains unpaid for 30 days after its due date, the District will send a notice of termination of service to the address set out on the Application for Water Service. Said notice of termination of service will provide that unless all pending charges, including any and all delinquent bills, penalties and any expenses associated therewith, are paid in full by the due date of the subsequent month's bill (or a stated date certain), water service for the subject property will be immediately terminated.

**Section 2.** The notice of termination of service referenced under Section 1 above shall also give notice to the water applicant/user, prior to termination, that the District has employees available to answer questions and explain its billing procedures Monday through Friday, exclusive of holidays, during the hours of 8:00 a.m. to 4:00 p.m. should the applicant/user challenge the proposed termination as unjustified. Facts disputing a bill or an appeal of the decision to terminate service shall be considered and a decision shall be final and communicated to the applicant/user.

**Section 3.** In the event of termination of service for the reason of non-payment of bill, a reconnection charge of \$75.00 must be paid by the applicant/user in addition to all other applicable charges, plus penalty and any expenses associated therewith, before service will be resumed.

### **D. Miscellaneous Provisions**

**Section 1.** So long as there are outstanding delinquent charges, and a lien has been filed for any parcel; no new service or reconnection of service for that same parcel shall be provided by the District until all outstanding delinquent charges, fees and associated expenses have been paid in full.

**Section 2.** That the rates, charges, rules and regulations for use and service of the waterworks properties as outlined above shall supersede those previously enacted by proper Ordinances of the District. Any rates, charges, rules and regulations for use and service of the waterworks properties as established by prior ordinances and not amended by the provisions above shall remain in full force and effect.

**Section 3:** That this Ordinance shall be published within thirty (30) days after its adoption in a newspaper published in the District, and if there is no such newspaper, in a newspaper published in the County and having general circulation in the District.

**Section 4:** That the aforesaid rates and charges shall become effective as of July 16, 2021, provided that ten (10) days shall have passed after publication of this Ordinance as provided by the Statutes of the State of Illinois.

**Section 5:** That the Secretary of the District be and is hereby instructed to, within thirty (30) days after adoption hereof, publish this Ordinance one time in a newspaper published in Madison County and having general circulation in the District and one time in a newspaper published in Macoupin County and having general circulation in the District.

On Motion of Trustee Kercher, seconded by Trustee Feldmann.

Trustee Strohbeck voted yes

Trustee Kercher voted yes

Trustee Ruppert voted yes

Trustee Feldmann voted yes

Trustee Bertels voted yes

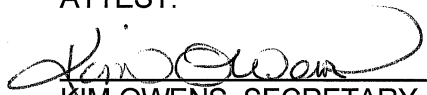
Trustee Huette voted yes

Trustee Thomas voted absent

for the adoption of said Ordinance. PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF FOSTERBURG WATER DISTRICT, MADISON COUNTY, ILLINOIS, THIS 16th DAY OF June, 2020~~2021~~.

  
STEVE STROHBECK, CHAIRMAN  
BOARD OF TRUSTEES

ATTEST:

  
KIM OWENS, SECRETARY  
BOARD OF TRUSTEES

# FOSTERBURG WATER DISTRICT

## CERTIFICATE

I, Kim Owens, Secretary of the FOSTERBURG WATER DISTRICT, a public water district under the laws of the State of Illinois, with offices at 3216 Main Street - Fosterburg, Alton, Illinois, as the custodian of the official records and minute book of the meetings of the Board of Trustees of said FOSTERBURG WATER DISTRICT, do hereby certify that the attached Ordinance No. 40 -2021 passed by FOSTERBURG WATER DISTRICT on the 16th day of June, A.D. 2021, is and constitutes a true, accurate and complete copy of an Ordinance adopted by the Board of Trustees of said water district, on motion duly made, seconded and carried at a meeting of said Board of Trustees at which a quorum was present, duly called, convened and held in Alton, Illinois, all in accordance with the by-laws of said water district, on the 16th day of June, A.D. 2021.

IN WITNESS WHEREOF, I have hereunto set my name as Secretary this 16th day of June, A.D. 2021.

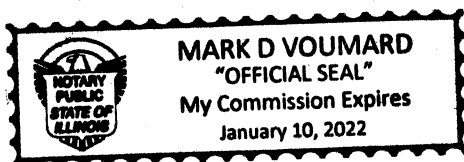
  
Kim Owens, Secretary

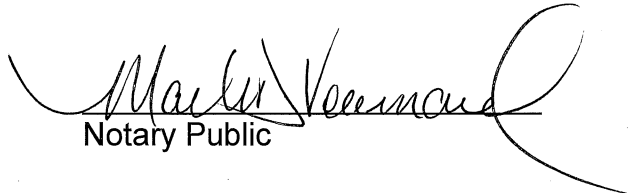
STATE OF ILLINOIS     )  
                                      ) SS  
COUNTY OF MADISON )

I, Kim Owens, being first duly sworn, state that the above and foregoing is a true and correct statement of the information contained therein.

  
Kim Owens, Secretary

Subscribed and sworn to before me this 16th day of June, A.D. 2021.



  
Notary Public