**ORDINANCE NO. 2011-3**

**CATERPILLAR TRAIL PUBLIC WATER DISTRICT OF WOODFORD COUNTY, ILLINOIS**

**AN ORDINANCE CONCERNING DISCONNECTION AND THE FILING OF LIENS FOR UNPAID WATER CHARGES**

WHEREAS, the Caterpillar Trail Public Water District operates and maintains a public water distribution system for the benefit of customers residing within the District pursuant to the Public Water District Act, 70 ILCS 3705/0.01 et seq.; and

WHEREAS, the board of trustees of Caterpillar Trail Public Water District desires to enact an ordinance addressing the Water District's policy for disconnection of service and the filing of liens with the Woodford County Recorder for past due water charges for customer accounts; and

WHEREAS, the current policy of the Caterpillar Trail Public Water District is to disconnect water service for non-payment after 45 days following issuance of a bill, with the customer being responsible for the prevailing reconnection fee. The Water District also provides a customer with a written notice when a bill for unpaid water charges is 60 days past due, informing the customer that a lien will be filed against the customer's property with the Woodford County Recorder when the charges remain unpaid for another 30 days, with the customer being responsible for the fee to record the lien and any release; and

WHEREAS, Ordinance No. 2005-4 authorizes the Water District to disconnect service, without further notice, for charges not paid within 45 days after issuance of a bill and to file a lien with the Woodford County Recorder when a bill for water service charges has remained unpaid for 60 days after issuance; and

WHEREAS, the board of trustees of the Caterpillar Trail Public Water District has determined that in addition to the property owner being responsible for a reconnection fee and the

filing fees charged by the Woodford County Recorder, the property owner should also pay an administrative fee to the Water District for the work required by the staff of the Water District to prepare and file a lien and any release of the lien, as well as interest from the date the lien is filed through the date the lien is released; and

WHEREAS, at a duly convened, regular meeting of the board of trustees of the Caterpillar Trail Public Water District held on May 9, 2011, the board voted to assess an administrative fee of $75.00 payable to the Water District for the preparation of a lien and any release of the lien, and to assess interest at an annual rate of 18% on the total balance due from the date a lien is filed through the date of the release of the lien;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the board of trustees of the Caterpillar Trail Public Water District as follows:

1) When a customer bill for water charges has remained unpaid for at least 45 days following issuance of the bill, the Water District shall disconnect water service to the premises and shall reconnect the water service only upon payment of all past due charges, including any applicable late payment fee, along with payment of the prevailing reconnection fee; and

2) When a customer bill for water charges has remained unpaid for at least 60 days following issuance of the bill, the Treasurer shall send the customer, and the property owner if different from the customer, a notice of the total unpaid charges, including any applicable late payment fee, informing the customer and owner that if the total charges are not paid within 30 days, a lien will be filed by the Water District with the Woodford County Recorder and that the customer or owner will be responsible for the recording fee for the lien, an administrative fee of $75.00, and the fee to file any release of lien, along with the accumulated total charges and interest on the total balance due at an annual rate of 18% from the date the lien is filed through the date of release of the lien; and

3) When at least 30 days have passed following issuance of the 60-day notice and the customer charges remain unpaid, the Treasurer shall prepare and file a lien against the subject property with the Woodford County Recorder and inform the property owner of the lien recording; and

4) The lien shall thereafter be released only upon payment of all outstanding charges by the customer or owner, including payment of an administrative fee of $75.00, reimbursement for the fees charged by the Woodford County Recorder to file the lien and release of lien documents, and interest at an annual rate of 18% on the total balance due from the date of filing of the lien through the date of the release of the lien.

All other rate and fee ordinances previously adopted by the board of trustees of Caterpillar Trail Public Water District which are not in conflict with this ordinance shall remain in full force and effect.

The Secretary of the Water District is directed to send a copy of this Ordinance to the *Peoria Journal Star* for publication of the Ordinance within 30 days after its adoption.

So enacted this 9th day of May, 2011.

Richard Diestelhorst
Chairman of the Board of Trustees

ATTEST:

Angela Thewlis, Secretary

CATERPILLAR TRAIL PUBLIC WATER DISTRICT OF WOODFORD COUNTY
SEAL