

THE CITY OF ANNA, ILLINOIS
A MUNICIPAL CORPORATION

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA FIXING AND ESTABLISHING
RATES FOR CITY UTILITY SYSTEMS SERVICES AND PROCEDURES FOR
DETERMINATION OF CHARGES, BILLING AND COLLECTION OF CHARGES,
TERMINATION OF SERVICES, AND THE CREATION OF LIENS UPON REAL ESTATE

PASSED & ADOPTED BY THE CITY COUNCIL OF THE CITY OF ANNA

AUGUST 4, 2020

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AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA FIXING AND ESTABLISHING RATES FOR CITY UTILITY SYSTEMS SERVICES AND PROCEDURES FOR DETERMINATION OF CHARGES, BILLING AND COLLECTION OF CHARGES, TERMINATION OF SERVICES, AND THE CREATION OF LIENS UPON REAL ESTATE

WHEREAS, the City of Anna, Illinois, a Municipal Corporation [hereinafter the "CITY"] is engaged in the proprietary operation of Water, Natural Gas, and Sewer Utility Systems [hereinafter "UTILITY SYSTEMS" or "SYSTEMS"] and is required by law, by economic realities, and by its obligation to its citizens and Customers, to operate its SYSTEMS as separate, solvent enterprises, to charge rates which pay for, and assure safe and efficient SYSTEMS, which are fair to CUSTOMERS, and according to procedures which are administratively inexpensive and workable; and

WHEREAS, the CITY and other Illinois municipalities have experienced substantial increases and fluctuating costs in the costs of natural gas; and

WHEREAS, the Anna-Jonesboro Water Commission, a Water Commission organized and existing under 65 ILCS 5/11-135-1, et seq., has charge of the operation of the common source of supply of water from which the CITY obtains its supply of water, as a consequence of which the CITY is required to establish rates and charges sufficient at all times:

- (A) To pay the cost of operation and maintenance of the CITY's waterworks and sewerage system; and
- (B) To provide adequate depreciation funds therefor; and
- (C) To pay the principal of, and interest on all revenue bonds of the CITY payable from the revenues of its SYSTEM; and
- (D) To pay the charges and rate established by the Anna-Jonesboro Water Commission for the sale of water by the Commission to the City, so long as the CITY purchases water from the Commission; and

WHEREAS, the CITY's cost of labor has and may continue to increase incrementally each year by virtue of Collective Bargaining Agreements entered into the CITY as required by the Public Employees Labor Relations Act; and

WHEREAS, the method and computation of RATES and CHARGES for Water, Natural Gas, and Sewer Utility Service require modification; and

WHEREAS, the City Council therefore deems it in the best interests of the citizens of the CITY, its CUSTOMERS, and the governance of the CITY, to adopt this Ordinance,

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF ANNA, UNION COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: DEFINITIONS.

1.1 Unless the context otherwise requires, the words and phrases herein defined are used in this Ordinance in the sense given them in the following definitions:

- (A) "AMOUNT" means in Sections 2, 3, 4, and 5, the actual amount as disclosed by the books and records of the CITY, rather than any figure disclosed or reflected in a professional audit of the CITY's records, for the reason that it is the intention of the City Council that rates be reviewed and determined as soon as possible after the closing of a fiscal year, rather than awaiting a professional audit.
- (B) "BILLING PERIOD" means a monthly cycle consisting of approximately thirty (30) days, such that for each CUSTOMER of each Utility Service there occurs twelve more-or-less evenly spaced BILLING PERIODS each, in each calendar year.
- (C) "BUDGET" refers to the Annual Budget of the CITY as adopted by the City Council.
- (D) "CUSTOMER" means, refers to, and includes any person, firm, partnership, association, corporation, or other legal entity, who or which is the owner, operator, lessor, renter, lessee, occupant, user, contract for deed purchaser, executor, or is in possession or control of real estate or any building or place upon or for which service is supplied by or from the CITY's UTILITY SYSTEM, irrespective of whether there is or has been signed or executed any APPLICATION or AGREEMENT for or requesting UTILITY SERVICE. Any one place, building, or tract of real estate may have multiple CUSTOMERS, for example, an owner, an actual occupant, and a lessee, or another in possession or control of a commercial building, an apartment building, or a dwelling may all be a CUSTOMER with respect to the same service. The supplying of water or gas to the place, building, or tract of real estate, or the existence of a sewer line for the discharge of sewerage or waste material from the premises, not actual usage or consumption, determines whether one is a CUSTOMER. For the purposes of billing, the entity or entities executing an APPLICATION for UTILITY SERVICES may be treated as the CUSTOMER; the supplying of water or gas to a place, building, or tract of real estate, of the existence of a sewer line for the discharge of sewerage or waste material from the premises, not the actual receipt of a BILL or statement, determines whether one is a CUSTOMER, as a consequence of which, failure to actually receive a BILL or statement does not discharge an owner, occupier, or user of the premises receiving UTILITY SERVICE from the obligation of paying the BILL.
- (E) "CHARGE" means and refers to an amount determined by multiplication of a RATE times the number of units of water or gas measured by a meter upon the real estate for which UTILITY SERVICE is supplied, and is not calculated on the basis of the amount or quantity of water or gas actually consumed or sewerage or wastewater actually discharged from the real estate.
- (F) "DUE DATE" means and refers to the calendar day printed on a CUSTOMER'S UTILITY BILL, by which the CHARGES printed on the BILL are to be paid in full.
- (G) "DISCONNECTION" means and includes physical disconnection of a meter, pipe, supply line, discharge line or main, or any other act necessary or appropriate to cause water, sewer, or gas service to be provided or delivered, and includes termination of, and access to UTILITY SERVICE by and means.

- (H) "SERVICE ADDRESS" means and refers to the common street address identifying the premises on the real estate for which UTILITY SERVICE is supplied.
- (I) "SHUTOFF DATE" means and refers to the calendar day identified on a PAST DUE NOTICE, on which, if a delinquent charge remains unpaid, UTILITY SERVICES: to the CUSTOMER'S SERVICE ADDRESS will be DISCONNECTED.
- (J) "UTILITY SERVICE" or "SERVICE" means and refers to water, natural gas, or sewer utility services provided by the CITY to a CUSTOMER.
- (K) "UTILITY SYSTEM" or "SYSTEM" means and refers to the facilities, meters, fixtures, components, and appurtenances, pipes, lines, mains, or otherwise that comprise, facilitate, and regulate the delivery of water, natural gas, and sewer UTILITY SERVICE by the CITY to a CUSTOMER.

SECTION 2: WATER UTILITY SERVICE RATE & CHARGES.

2.1 The procedure for determining the rate for the sale of water is that the Council after the commencement of each Fiscal Year, determines whether the then-current RATE is sufficient to provide the ADJUSTED REQUIRED REVENUE for the then-current Fiscal Year.

2.2 The REQUIRED REVENUE is the sum of the following items:

- (A) The amount of the cost of operation and maintenance of the City's Waterworks System [hereinafter in this Section, the "SYSTEM"] as estimated in the BUDGET adopted by the City Council for the then-current Fiscal Year; and
- (B) The amount of funded capital equipment and capital building provided for in the BUDGET for the purpose of replacing vehicles, machines, and other durable equipment, but not for the purpose of improvements or extension to the SYSTEM; and
- (C) The amount of reserve funding provided for in the BUDGET for repair, replacement, and/or improvements to the existing SYSTEM; and
- (D) The amount required during the then-current Fiscal Year to pay principal of, and interest on, and other amounts required to be deposited to service the debt of revenue bonds and/or loans payable from the revenues of the SYSTEM; and
- (E) The amount required to pay the Minimum CHARGE established by the Anna-Jonesboro Water Commission for the sale of water by the Commission to the City; and
- (F) Any amount which may be necessary to make up any deficiency resulting from the then-current RATES having been insufficient to pay the sum of the cost of operation and maintenance, capital equipment and facilities, debt service, and minimum charges actually incurred during the preceding Fiscal Year.

2.3 In the event the CITY has invested funds, the source of which is excess revenues accruing from the operation of the SYSTEM in any previous Fiscal Year or Years, the disposition of the income for which is not provided for in any Bond Ordinance of any outstanding bond issue payable from the revenues of the SYSTEM, and in the further event that the amount

of the invested funds is in excess of the sum of items (A) through (E), then the Required Revenue shall be adjusted by subtracting therefrom the amount of income estimated, on the basis of the then-current certificate of deposit rate, to be received from the invested funds during the then-current Fiscal Year, to produce an amount called ADJUSTED REQUIRED REVENUE.

- 2.4 If the then-current RATES and CHARGES, when applied to the estimated amount of water to be delivered to CUSTOMERS are not sufficient to meet the ADJUSTED REQUIRED REVENUE, the Council then shall revise the then-current RATE and determine by Ordinance, the RATE per gallon, expressed in units of 1,000 gallons, which RATE shall then apply to all water supplied by the CITY until the RATE is thereafter revised and re-determined by subsequent Ordinance.
- 2.5 A RATE per 1,000 gallons is determined by dividing the ADJUSTED REQUIRED REVENUE by the quantity of the number of gallons of water supplied to the CUSTOMER during the preceding twelve (12) months by the denominator 1,000.
- 2.6 The CHARGE for each BILLING PERIOD is then determined as follows:
 - 2.6.1 A minimum CHARGE of three (3) times the RATE, irrespective of the number of gallons supplied; and
 - 2.6.2 An Additional CHARGE of the RATE per 1,000 gallons, or fractional tenths thereof, for the number of gallons supplied in excess of 2,000 gallons during the BILLING PERIOD; and
 - 2.6.3 An Outside CHARGE of Six Dollars (\$6.00) for each SERVICE outside the corporate boundary.
 - 2.6.4 An Outside CHARGE of One Dollar (\$1.00) per 1,000 gallons in excess of 2,000 gallons for each SERVICE outside the corporate boundary.

SECTION 3: SEWER UTILITY SERVICE RATE AND CHARGES.

- 3.1 The procedure for determining the rate for permitting discharge into its Sewerage and Wastewater Treatment System [hereinafter in this Section, the "SYSTEM"], is that the City Council, after the commencement of each Fiscal Year, determines whether the then-current Rate is sufficient to provide the ADJUSTED REQUIRED REVENUE for the then-current Fiscal Year.
- 3.2 The Required Revenue is the sum of the following items:
 - (A) The amount of the cost of operation and maintenance of the CITY'S Sewerage and Wastewater Treatment System [hereinafter in this Section, the "SYSTEM"] as estimated in the BUDGET adopted by the City Council for the then-current Fiscal Year; and
 - (B) The amount of funded capital equipment and capital building provided for in the Budget for the purpose of replacing vehicles, machines, and other durable equipment, but not for the purpose of improvements or extension to the SYSTEM; and

- (C) The amount of reserve funding provided for in the Budget for repair, replacement, and/or improvements to the existing SYSTEM; and
 - (D) The amount required during the then-current Fiscal Year to pay principal of, and interest on, and other amounts required to be deposited to service the debt of revenue bonds and/or loans payable from the revenues of the SYSTEM; and
 - (E) Any amount which may be necessary to make up any deficiency resulting from the then-current RATES having been insufficient to pay the sum of the cost of operation and maintenance, capital equipment and facilities, debt service, and minimum charges actually incurred during the preceding Fiscal Year.
- 3.3 In the event the CITY has invested funds, the source of which is excess revenues accruing from the operation of the SYSTEM in any previous Fiscal Year or Years, the disposition of the income for which is not provided for in any Bond Ordinance of any outstanding bond issue payable from the revenues of the SYSTEM, and in the further event that the amount of the invested funds is in excess of the sum of items (A) through (E), then the Required Revenue shall be adjusted by subtracting therefrom the amount of income estimated, on the basis of the then-current United States One-Year Treasury Bill rate, to be received from the invested funds during the then-current Fiscal Year, to produce an amount called ADJUSTED REQUIRED REVENUE.
- 3.4 If the then-current RATES and CHARGES, when applied to the estimated amount of sewerage and wastewater to be discharged into the SYSTEM are not sufficient to meet the ADJUSTED REQUIRED REVENUE, the Council then shall revise the then-current RATE and determine by Ordinance, the RATE per gallon, expressed in units of 1,000 gallons, which RATE shall then apply to all sewerage and wastewater discharged into the SYSTEM until the RATE is thereafter revised and re-determined by subsequent Ordinance.
- 3.5 A RATE per 1,000 gallons is determined by dividing the ADJUSTED REQUIRED REVENUE by 85% of the quantity of the number of gallons of water supplied to the CUSTOMER during the preceding twelve (12) months by the denominator to 1,000.
- 3.6 The CHARGE for each BILLING PERIOD is then determined as follows:
- 3.6.1 A minimum CHARGE of three (3) times the RATE, irrespective of the number of gallons discharged; and
 - 3.6.2 An Additional CHARGE of the RATE per 1,000 gallons, or fractional tenths thereof, for the number of gallons discharged in excess of 2,000 gallons during the BILLING PERIOD; and

SECTION 4: GAS UTILITY SERVICE RATE AND CHARGES.

- 4.1 The procedure for determining the rate for the sale of natural gas [hereinafter in this Section, the "SYSTEM"] is that the City Council, after the commencement of each Fiscal Year, determines whether the then-current Rate is sufficient to provide the ADJUSTED REQUIRED REVENUE for the then-current Fiscal Year.
- 4.2 The Required Revenue is the sum of the following items:

- (A) The amount of the cost of operation and maintenance of the CITY'S Gas System [hereinafter in this Section, the "SYSTEM"] as estimated in the Budget adopted by the City Council for the then-current Fiscal Year; and
 - (B) The amount of funded capital equipment and facilities provided for in the Budget for the purpose of replacing vehicles, machines, and other durable equipment, but not for the purpose of improvements or extension to the SYSTEM; and
 - (C) The amount of reserve funding provided for in the Budget for repair, replacement, and/or improvements to the existing SYSTEM; provided that the budgeted amounts are based upon governmental mandate, required SYSTEM improvements, or a certification of need and estimated cost prepared by an independent consulting engineer; and
 - (D) The amount required during the then-current Fiscal Year to pay principal of, and interest on, and other amounts required to be deposited to service the debt of revenue bonds payable from the revenues of the SYSTEM; and
 - (E) The amount required to purchase natural gas, as estimated in the Budget for the then-current Fiscal Year; and
 - (F) Any amount which may be necessary to make up any deficiency resulting from the then-current RATES having been insufficient to pay the sum of the cost of operation and maintenance, capital equipment and facilities, debt service, and cost of purchase of natural gas actually incurred during the preceding Fiscal Year.
- 4.3 In the event the City has invested funds, the source of which is excess revenues accruing from the operation of the System in any previous Fiscal Year or Years, the disposition of the income for which is not provided for in any Bond Ordinance of any outstanding bond issue payable from the revenues of the SYSTEM, and in the further event that the amount of the invested funds is in excess of the sum of items (A) through (F), then the Required Revenue shall be adjusted by subtracting therefrom the amount of income estimated, on the basis of the then-current United States One-Year Treasury Bill rate, to be received from the invested funds during the then-current Fiscal Year, to produce an amount called ADJUSTED REQUIRED REVENUE.
- 4.4 If the then-current RATES are not sufficient to meet the ADJUSTED REQUIRED REVENUE, the Council then shall revise the then-current Rate and determine by Ordinance, the Rate per 100 cubic feet, expressed in terms of billing feet, which RATE shall then apply to all water supplied by the CITY until the RATE is thereafter revised and re-determined by subsequent Ordinance.
- 4.5 The Charge for each Billing Period is determined as follows:
- 4.5.1 The Monthly Base Gas Rate is determined by the annual operating natural gas budget, less natural gas purchases, less State of Illinois natural gas taxes, divided by the number of natural gas utility customers, divided by twelve (12) (months).
 - 4.5.2 The Monthly Gas Usage Charge is determined by adding the cost of natural gas, the estimated transportation fees, the supplier fees, the settlement charges, and any applicable over/short fees.

- 4.5.3 An Outside CHARGE of Two Dollars (\$2.00) for each Service outside the corporate boundary.
- 4.6 The City Administrator of the CITY is authorized to enter into contracts with natural gas suppliers, distributors, and the like, on behalf of the CITY, to provide the necessary and expedient supply of natural gas, at favorable rates, to provide such SERVICE.

SECTION 5: INTERIM MODIFICATION OF RATES.

- 5.1 RATES and CHARGES may be modified in the event of the occurrence of any one of the following events during a Fiscal Year for which RATES and CHARGES have been determined during that Fiscal Year:
- 5.1.1 All outstanding Bonds of a Series or Issue are redeemed, paid, or retired in full; or
- 5.1.2 New bonds are issued payable from revenues of the particular utility system; or
- 5.1.3 The amount actually paid in any one or more months for the purchase of water is 5% more or less than 1/12th of the amount estimated under Section 2.2(D);
- 5.2 The calculation or modification is the same as the calculation for annual revision under Section 2 and 4, except that the amounts under Section 2.2(D) or Section 4.2(D) are revised based upon increasing or decreasing, whichever is appropriate, the amount estimated for item (D) to the actual amount last paid for that item.

SECTION 6: BILLING AND PAYMENT OF RATES, CHARGES, AND FEES.

- 6.1 The amount of the CHARGES will be billed in cycles of approximately thirty (30) days each;
- 6.2 A BILL is rendered by the CITY to the CUSTOMER upon mailing by the CITY to the United States Post Office address of the CUSTOMER disclosed in the records of the CITY. UTILITY BILLS shall be mailed by the fifth (5th) day of each month of each BILLING CYCLE.
- 6.3 Each CHARGE stated in the BILL is due between the thirteenth (13th) and eighteenth (18th) day after the BILL is rendered. The BILL shall indicate a DUE DATE for the CHARGES thereon to be timely paid. The range of DUE DATES enumerated herein is necessary to avoid a DUE DATE on Illinois and Federal holidays and weekend days.
- 6.4 A CHARGE shall be considered paid by delivery to the CITY of sufficient funds to pay the full amount of the CHARGE, whether in United States currency, money order, sufficient-fund check, direct debit, and credit/debit card for the full amount of each CHARGE as set forth in the bill, to the offices of City Government at Anna City Hall, before the close of business hours at City Hall, on the DUE DATE.
- 6.5 Failure to receive a BILL for UTILITY SERVICE CHARGES does not relieve the CUSTOMER of their obligation to pay the amount due, plus any and all late fees/additional fees incurred.
- 6.6 Owners, lessors, executors, and the like shall be liable for all unpaid RATES, CHARGES, and FEES incurred by a renter, lessee, occupant, or contract for deed purchaser of the premises on the real estate at the SERVICE ADDRESS.

SECTION 7: DELINQUENCY OF PAYMENT.

- 7.1 If a CHARGE is not paid in full on or before the close of business hours at the offices of City Government at Anna City Hall on the DUE DATE specified on the CUSTOMER'S BILL, the BILL and CHARGE thereon, shall be considered unpaid and delinquent.
- 7.2 The DELINQUENCY DATE occurs at the close of business hours at the offices of City Government at Anna City Hall on the DUE DATE specified on the BILL for CHARGES for UTILITY SERVICES by the CITY rendered to the CUSTOMER.
- 7.3 Any CHARGE unpaid as of the DELINQUENCY DATE:
- 7.3.1 Incurs interest at the rate of 12% of the full amount of the CHARGE and all additional CHARGES for EXPENSES from the DELINQUENCY DATE until the CHARGE is paid in full; and
- 7.3.2 Authorizes the CITY to terminate access to UTILITY SERVICE and physically disconnect service lines from the premises at the delinquent SERVICE ADDRESS, after a NOTICE OF DELINQUENCY AND INTENT TO DISCONNECT has been provided to the CUSTOMER, pursuant to the procedures prescribed hereinbelow in Section 8 of this ORDINANCE.
- 7.3.3 Shall constitute a lien upon the real estate on which the premises at the delinquent SERVICE ADDRESS is located, pursuant to the execution of the procedures prescribed hereinbelow in Section 8 of this ORDINANCE.
- 7.3.4 Incurs and there is added hereto as an additional CHARGE, a Lien Recording Expense, which shall consist of all reasonable expenses incurred in connection with obtaining information for, preparing of, and recording of, a NOTICE OF DELINQUENCY, DISCONNECTION, AND LIEN, which may include title company fees for preparing and producing a record and evidence of title to the premises, attorney fees for examination of title, and official fees for recording in the Office of the Recorder of Deeds.
- 7.3.5 Initiates procedures prescribed hereinbelow in Section 8 of this ORDINANCE.

SECTION 8: PROCEDURE UPON DELINQUENCY.

If any CHARGE remains unpaid after the DELINQUENCY DATE, the CITY may disconnect any UTILITY SERVICE, and impose a lien upon the premises and real estate at the Service Address of the CUSTOMER by the following procedure:

- 8.1 The CITY shall prepare a NOTICE OF DELINQUENCY AND INTENT TO DISCONNECT and render said NOTICE to CUSTOMER by mailing the same to the United States Post Office address of the Customer disclosed in the records of the City, and said NOTICE shall contain:

- 8.1.1 The amount of the unpaid and PAST DUE CHARGE, billing period dates, DELINQUENCY DATE, DUE DATE, SHUTOFF DATE; and
 - 8.1.2 Language that informs the CUSTOMER that the CITY considers the CHARGE unpaid and delinquent, and must be paid in full, within ten (10) calendar days from the date of the NOTICE; and
 - 8.1.3 CUSTOMER'S failure to pay the past due CHARGES, PENALTIES, FEES, and INTEREST CHARGES in full, within ten (10) days, will cause the CITY to terminate and DISCONNECT UTILITY SERVICES to the premises at the SERVICE ADDRESS of the delinquent CUSTOMER; and
 - 8.1.4 Language that reasonably informs the CUSTOMER of the opportunity and the procedure to PROTEST DISCONNECTION of UTILITY SERVICES as unjustified, erroneous, or arbitrary.
- 8.2 The City shall also prepare a NOTICE OF DELINQUENCY, INTENT TO DISCONNECT, AND LIEN, to be rendered to the owner, lessor, or executor of real estate on which the premises at the delinquent SERVICE ADDRESS is located, and the NOTICE shall contain a sworn statement setting forth:
- 8.2.1 The SERVICE ADDRESS of the delinquent CUSTOMER; and
 - 8.2.2 The Union County, Illinois Permanent Index Number (PIN) assigned to the real estate on the which the premises at the DELINQUENT SERVICE ADDRESS is located; and
 - 8.2.3 The amount of the unpaid and PAST DUE CHARGE, the UTILITY SERVICE for which the CHARGE is PAST DUE and unpaid, and BILLING PERIOD dates during which the CHARGE was incurred, and
 - 8.2.4 Language that informs the owner, lessor, or executor that the CITY considers the CHARGE unpaid and DELINQUENT, and must be paid in full, within ten (10) calendar days from the date of the NOTICE; and
 - 8.2.5 Failure to pay the past due CHARGES in full within ten (10) days from the date of the NOTICE will cause the CITY to terminate and DISCONNECT UTILITY SERVICES to the premises at the SERVICE ADDRESS of the DELINQUENT CUSTOMER; and
 - 8.2.6 Reasonably inform the owner, lessor, or executor of the opportunity and the procedure to PROTEST DISCONNECTION of UTILITY SERVICES and request a hearing before an officer of the CITY; and
 - 8.2.7 Language that reasonably informs the owner, lessor, or executor that past due and delinquent RATES and CHARGES that remain unpaid after ten (10) days from the date of the NOTICE may create a lien on the real estate at the SERVICE ADDRESS under 65 ILCS 5/11-139-8.
 - 8.2.8 That failure to pay the past due CHARGES, PENALTIES, FEES, and INTEREST CHARGES in full, within sixty days (60) days from the date of the NOTICE, will cause the CITY to file NOTICE OF LIEN for all past due CHARGES, PENALTIES, FEES,

and INTEREST CHARGES in the records of the Office of the Recorder of Deeds of Union County, Illinois, pursuant to 65 ILCS 5/11-139-8.

- 8.3 The NOTICE OF DELINQUENCY, INTENT TO DISCONNECT, AND LIEN shall be rendered to the owner, lessor, or executor by mailing the NOTICE to the United States Post Office address of the owner, lessor, or executor, along with a copy of the PAST DUE NOTICE issued to the DELINQUENT CUSTOMER.
- 8.4 A lien perfected pursuant to 65 ILCS 5/11-139-8 may be foreclosed in the same manner and with the same effect as the foreclosure of a mortgage and the CITY shall also have the power to sue the occupant or user of the real estate in a civil action to recover money due for the services rendered, plus a reasonable attorney fees to be fixed by the Court.

SECTION 9: PROCEDURE FOR PROTEST.

- 9.1 Termination and DISCONNECTION of UTILITY SERVICE may be protested by:
- 9.1.1 Delivering and filing a written protest and request for hearing to the Anna City Administrator, City Clerk, or Deputy City Clerk, at the Offices of City Government, at Anna City Hall, during regular posted business hours, PRIOR to the termination and DISCONNECTION of UTILITY SERVICE; and
- 9.1.2 The written protest shall set forth reasons why the termination and DISCONNECTION of UTILITY SERVICE is unjustified, erroneous, or arbitrary.
- 9.2 One of the following designated CITY officials: City Administrator, City Clerk, or Deputy City Clerk, shall preside over the hearing, consider the protest, afford minimal due process, and issue a decision regarding the protest.
- 9.3 The hearing may be held immediately or as soon as otherwise practicable.
- 9.4 The protester shall attend the hearing in person and be prepared to present evidence in support of his or her protest. The hearing shall be summary and the decision shall be final.
- 9.5 The decision by the designated CITY official shall constitute a Final Administrative Decision under the Illinois Administrative Review Act, 735 ILCS 5/3-101, et seq.;
- 9.6 Failure to file and pursue a protest pursuant to this Section shall constitute a failure to exhaust administrative remedies and a bar to a defense on the grounds that termination and DISCONNECTION was unjustified, erroneous, or arbitrary, in the event of the foreclosure of the CITY'S lien for unpaid rates and charges pursuant to 65 ILCS 5/11-139-8.
- 9.7 Should the hearing official uphold the delinquent status of the CUSTOMER account, DISCONNECTION of UTILITY SERVICES shall proceed accordingly.

SECTION 10: DISCONNECTION OF SERVICE.

- 10.1 Except as otherwise provided by law, pursuant to 65 ILCS 5/11-117-12.1 and 65 ILCS 5/11-117-12.2, all past due CHARGES that remain unpaid within ten (10) days of the date of the NOTICE OF DELINQUENCY AND INTENT TO DISCONNECT TO THE CUSTOMER and NOTICE OF DELINQUENCY, INTENT TO DISCONNECT, AND LIEN,

shall cause the CITY to terminate and physically disconnect the UTILITY SERVICE(S) to the DELINQUENT SERVICE ADDRESS.

10.2 The CUSTOMER shall be charged a DISCONNECTION FEE of Fifty Dollars (\$50.00), PER UTILITY SERVICE DISCONNECTED.

10.3 The day succeeding the tenth (10) day from the date of the PAST DUE NOTICE and NOTICE OF DELINQUENCY, INTENT TO DISCONNECT, AND LIEN shall be the DISCONNECTION DATE.

10.4 UTILITY SERVICE to the DELINQUENT SERVICE ADDRESS that has been DISCONNECTED for non-payment of CHARGES shall remain DISCONNECTED, pursuant to SECTION 12 of this ORDINANCE, or until the CUSTOMER or owner, lessor, or executor of the real estate on which the DELINQUENT SERVICE ADDRESS is located, comply with SECTION 11 of this ORDINANCE.

SECTION 11: RECONNECTION OF SERVICE.

11.1 UTILITY SERVICE that has been TERMINATED AND DISCONNECTED for delinquent, unpaid UTILITY CHARGES, may be eligible for RECONNECTION of UTILITY SERVICE, provided the delinquent CUSTOMER shall:

11.1.1 Pay the full amount of all delinquent, unpaid RATES, CHARGES, and FEES, plus any other amounts assessed on any other outstanding printed UTILITY BILL; and

11.1.2 Pay any and all applicable DISCONNECTION FEES; and

11.1.3 The CUSTOMER shall pay all AMOUNTS due in United States currency, money order, sufficient-fund check, and credit/debit card to the offices of City Government at Anna City Hall, before the close of business hours at City Hall.

SECTION 12: DENIAL OF SERVICE.

12.1 UTILITY SERVICES shall not be supplied nor extended to any SERVICE ADDRESS or real estate which has delinquent, unpaid utility CHARGES associated with it.

12.2 UTILITY SERVICES shall not be supplied or extended to any Person or Entity who owes outstanding, delinquent, unpaid utility service charges to the CITY.

12.3 The CITY may deny service to a person in violation of the provisions of this ORDINANCE.

SECTION 13: APPLICATION FOR UTILITY SERVICES.

13.1 UTILITY SERVICE shall be furnished to a CUSTOMER only upon the filing and CITY approval of an APPLICATION FOR UTILITY SERVICE and duly executed UTILITY SERVICE CUSTOMER AGREEMENT.

- 13.2 An Applicant for UTILITY SERVICE who is not the owner of record of the real property at the proposed SERVICE ADDRESS [renter, lessee, occupant, contract for deed purchaser] shall file an APPLICATION bearing the Applicant's signature and the signature of the real property owner(s).
- 13.3 It shall be the duty of all CUSTOMERS and owners, lessors, and executors of real estate to ensure that mailing address information remains current and updated to ensure that all bills and notices are delivered timely.
- 13.4 Notwithstanding in whose name the UTILITY SERVICE is registered, ultimate responsibility for the payment of CITY UTILITY SERVICE BILLS shall be deemed to be that of the real estate owner.
- 13.5 The APPLICATION shall be in a form approved by the City Council and City Attorney.
- 13.6 The APPLICATION shall substantially contain at least the proposed CUSTOMER name, mailing address, SERVICE ADDRESS, real estate owner, lessor, executor name and mailing address, Union County PIN.
- 13.5 Completed APPLICATIONS shall be retained as permanent records by the CITY.

SECTION 14: AGREEMENT FOR UTILITY SERVICES.

- 14.1 UTILITY SERVICE shall be furnished to a CUSTOMER only upon the filing and CITY approval of an APPLICATION for UTILITY SERVICE and a duly executed UTILITY SERVICE CUSTOMER AGREEMENT.
- 14.2 The UTILITY SERVICE CUSTOMER AGREEMENT shall be in form approved by the City Council and City Attorney.
- 14.3 There shall be three (3) forms of the UTILITY SERVICE CUSTOMER AGREEMENT:
- 14.3.1 Renter, Lessor, Occupier, Contract for Deed Purchaser - Utility Service Customer Agreement, which shall be executed by a renter, lessee, occupant, or contract for deed purchaser of the premises on the real estate at the SERVICE ADDRESS.
 - 14.3.2 Owner-Occupier - Utility Service Customer Agreement, which shall be executed by owner/occupier of the premises on the real estate at the SERVICE ADDRESS.
 - 14.3.3 Owner, Lessor, Executor- Utility Service Customer Agreement, which shall be executed by the owner, lessor, executor, of the premises on the real estate at the SERVICE ADDRESS.
- 14.4 A Customer who executes an AGREEMENT as described in Section 14.3.1 hereinabove shall also be required to cause an AGREEMENT described in Section 14.3.3 to be executed.
- 14.5 The UTILITY SERVICE CUSTOMER AGREEMENT shall be deemed to incorporate the terms of this ORDINANCE and the CUSTOMER shall agree to comply with the terms of this ORDINANCE and the applicable laws of the CITY, State of Illinois, and United States.

SECTION 15: SETTING OF ANNUAL RATES, CHARGES, FEES, AND DEPOSITS.

15.1 The City Council, after the commencement of each Fiscal Year, shall determine whether the then-current Rates for UTILITY SERVICES, are sufficient to provide the Adjusted Required Revenue for the then-current Fiscal Year for the respective UTILITY SERVICES, pursuant to Sections 2, 3, 4, 5 of this ORDINANCE, and may set, modify, and amend rates, charges, fees, and deposit amounts for Utility Services from time to time, by subsequent Ordinance.

SECTION 16: INITIAL CONNECTION OF SERVICE.

16.1 No connection with a CITY UTILITY SERVICE and SYSTEM shall be made without a work order being issued and twenty-four (24) hours' notice having been given to the CITY Public Works Department.

16.2 All such connections shall be made by or under the supervision of CITY personnel.

16.3 Before connection is made with the Water, Sewer, or Gas SYSTEM(S), the premises to be served must be equipped with a meter and meter box properly installed on the service pipe.

16.4 The City Council may set initial connection fees from time to time by Ordinance.

SECTION 17: MAINTENANCE REQUESTS.

17.1 A CUSTOMER may request that UTILITY SERVICE METER(S) be turned off and on for maintenance purposes, by contacting CITY HALL during regular business hours. The CITY shall appoint a date and time to facilitate the REQUEST.

17.2 A CUSTOMER'S first request for maintenance shall be at NO FEE.

17.3 Any and all subsequent requests for maintenance shall result in \$10.00 FEE that will be assessed to the CUSTOMER and appear on the CUSTOMER'S UTILITY BILL for the applicable BILLING CYCLE.

SECTION 18: INTERFERENCE WITH UTILITY SYSTEM.

18.1 No person shall tamper, molest, alter, adjust, injure, damage, or in any manner interfere with the components or operation of the CITY UTILITY SYSTEM. Only duly authorized representatives of the CITY shall access or manipulate the components of the SYSTEM.

18.2 Any person who tampers with, or bypasses a CITY UTILITY SYSTEM METER, or makes an unauthorized connection with the CITY UTILITY SYSTEM, or otherwise unlawfully interferes with the CITY UTILITY SYSTEM as prohibited by this Ordinance, may be prosecuted for theft of utility services, and the CITY may seek restitution, reimbursement, and recoupment of the value of the services in a civil action, plus costs and attorney fees.

18.3 It shall be unlawful for any person, except CITY personnel, to attempt to, or restrict access to, any meters, fixtures, components, or appurtenances of the SYSTEM.

18.4 The CITY shall have the right to refuse UTILITY SERVICE or to discontinue UTILITY SERVICE without notice, at any time, to any CUSTOMER, if the CITY finds any apparatus

or appliances, the operation of which will be detrimental to the UTILITY SYSTEM, or to any or all of its consumers, or to the Public in general. Any apparatus or appliance that may pose a danger to the UTILITY SYSTEM shall be immediately removed and repaired upon notice from the CITY, or at its option, the CITY may immediately discontinue the service, without notice, and without any liability for direct or resulting damages therefrom.

SECTION 19: ACCESS TO SYSTEM.

- 19.1 All meters, fixtures, components, and appurtenances of the UTILITY SYSTEM owned by the CITY which are placed on private property shall be subject to inspection by CITY officials or employees appointed to perform such duties. The CITY also reserves the right to make any necessary repairs to meters, fixtures, components, and appurtenances which are placed on private property.
- 19.2 All dogs shall be leashed to permit CITY employees to safely access meters, fixtures, components, and appurtenances of the UTILITY SYSTEM.
- 19.3 All fences shall have an unsecured gate to permit CITY employees access to meters, fixtures, components, and appurtenances of the UTILITY SYSTEM.

SECTION 20: METERS.

- 20.1 All meters and installation of meters, shall be approved by the CITY Director of Public Works, or other employee designated by the CITY to approve the same.
- 20.2 In the event that the amount of Water, Gas, or Sewer Services supplied to a CUSTOMER during any month cannot be ascertained, the consumption for that month shall be estimated by the CITY. The CITY shall make a reasonable estimate based on the consumption history of the CUSTOMER ACCOUNT being estimated.
- 20.3 If the ACCOUNT does not have sufficient consumption history to use as a basis for an estimate, the CITY may use other factors they deem appropriate to estimate the consumption for the billing period.
- 20.4 The CITY shall be solely responsible for the reading and maintenance of METERS for all CUSTOMERS.

SECTION 21: NOTICE OF DISCONNECTION FOR OTHER THAN DELINQUENCY.

- 21.1 Except where UTILITY SERVICE is subject to DISCONNECTION for unpaid and delinquent CHARGES, or where UTILITY SERVICE is subject to DISCONNECTION WITHOUT NOTICE as provided by this ORDINANCE or other local, State, or Federal law, prior to DISCONNECTION of UTILITY SERVICE for some other reason, the CITY shall:
- 21.1.1 Provide NOTICE OF INTENT TO DISCONNECT UTILITY SERVICE to the CUSTOMER and/or owner of the real estate at the SERVICE ADDRESS subject to DISCONNECTION.
- 21.1.2 Said NOTICE shall contain a description of the condition for which the SERVICE ADDRESS is subject to DISCONNECTION; and

- 21.1.3 Description of the required actions and resultant conditions to be accomplished, for the CITY to consider the condition cured; and
 - 21.1.4 Contain a NOTICE DATE, reflecting the date the NOTICE is rendered to the CUSTOMER; and
 - 21.1.5 Contain a DISCONNECTION DATE, reflecting the date that UTILITY SERVICE will be DISCONNECTED if the condition is not cured; and
 - 21.1.6 Be rendered ten (10) days prior to the DISCONNECTION DATE; and
 - 21.1.7 Contain language that reasonably informs the CUSTOMER of the opportunity and the procedure to PROTEST DISCONNECTION of UTILITY SERVICES and request a hearing before an officer of the CITY; and
 - 21.1.8 The NOTICE shall be rendered to the CUSTOMER and if applicable, to the owner, lessor, or executor of the real estate at the SERVICE ADDRESS subject to DISCONNECTION, by mailing the NOTICE to the United States Post Office address(es) of the CUSTOMER and owner.
- 21.2 PROTEST filing and hearing procedure shall be conducted in accordance with SECTION 9 of this ORDINANCE.

SECTION 22: HYDRANTS.

- 21.1 No person, except employees of the CITY in the performance of their duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the Water Department. In no case shall any hydrant be opened or closed except with a hydrant wrench provided by the CITY. A reasonable charge to be paid in advance shall be made for said permit based upon the cost of issuance and inspection and the estimated amount of water to be used. All hydrants installed shall be of the type approved by the Water Department.

SECTION 23: RESTRICTION OF SERVICE.

- 23.1 The CITY reserves the express right to discontinue, divert, withhold, restrict, or regulate the delivery, flow, amount, availability, usage, and supply of any and all UTILITY SERVICES, without notice to CUSTOMERS, to facilitate UTILITY SERVICE SYSTEM maintenance, management, repair, solvency, integrity, weather conditions, firefighting operations, or because of EMERGENCY, or in response to, or anticipation of, an EMERGENCY.

SECTION 24: CITY NOT LIABLE.

- 24.1 All UTILITY SERVICES supplied by the CITY shall be upon the express condition that the CITY shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of UTILITY SERVICES and SYSTEMS for repair, relocation, or expansion of any part thereof, or damages or injury arising out of the breaking of any service pipe, main, fixtures, or conduit or its connections, or on account of the shutting off of UTILITY SERVICE as above provided, or from the freezing or bursting of any pipes or fixtures, or on account of the failure of the CITY to furnish an adequate supply at all times.

SECTION 25: REPEALER.

25.1 Whereas the City Council did previously adopt Ordinance 2012-02 to regulate UTILITY SERVICE in the City, that Ordinance is hereby repealed and replaced.

25.2 All other Ordinances, Resolutions, Motions, or Orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 26: INCORPORATION OF PREAMBLES.

The recitals contained above in the Preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the CITY of Anna, Illinois.

SECTION 27: FORCE & EFFECT.

This Ordinance is in full force and effect upon its passage and publication, and shall apply to all UTILITY SERVICES supplied on, and after the date of publication.

SECTION 28: SEVERABILITY.

If any section, paragraph, clause, or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

SECTION 29: PUBLICATION.

This Ordinance shall be published in Pamphlet form within ten (10) days of its passage.

**CERTIFICATE AND MEMORANDUM
OF PASSAGE AND PUBLICATION OF ORDINANCE**

STATE OF ILLINOIS)
) SS.
COUNTY OF UNION)

I, Tina Sadler, Deputy City Clerk of the City of Anna, a Municipal Corporation, located in Union County, Illinois, hereby certify that the foregoing Ordinance constitutes a full, true, and complete copy of Ordinance No.2020-13, as passed and adopted by the City Council of the City of Anna, Illinois, on August 4, 2020.

I further certify that the Ordinance was printed in pamphlet form, made available to the public, and therefore became effective August 4, 2020.

Given under my hand and seal of the Municipal Corporation on August 4, 2020.

[CORPORATE SEAL]

APPROVED this 4th day of August, 2020


STEVE HARTLINE, MAYOR

<u>RECORD OF VOTE</u>	<u>YEA</u>	<u>NAY</u>
MAYOR HARTLINE	✓	_____
COMMISSIONER BIGLER	✓	_____
COMMISSIONER BRYAN	✓	_____
COMMISSIONER MILLER	✓	_____
COMMISSIONER WEBB	✓	_____

ATTEST:  _____

TINA SADLER, DEPUTY CITY CLERK,

FILED FOR RECORD ON 8/4, 2020

(CITY SEAL)



CITY OF ANNA, ILLINOIS
IMPORTANT INFORMATION
NOTICE OF NONPAYMENT & DELINQUENCY
NOTICE OF INTENT TO DISCONNECT UTILITY SERVICE

Utility service to the premises at the service address will be terminated and disconnected no less than seven (7) days from the date of this notice, unless the past due amount is paid in full or a protest and request for hearing is filed prior to disconnection. To avoid disconnection, pay the past due amount by the date specified in the box below on this notice. Should you wish to dispute the termination of utility service due to nonpayment, you have the right to file a protest and request a hearing by an official designated by the City of Anna. Your request for hearing must be in writing and submitted prior to termination of utility service. You must attend the hearing in person and be prepared to present reasons for disputing nonpayment. The hearing will be held immediately, or as soon as practicable. The hearing will be summary and the decision of the hearing official shall be final. Should the hearing official uphold the delinquent status of your account, disconnection of utility service shall proceed accordingly. This notice issued pursuant to City of Anna Ordinance 2012-02.

REAL ESTATE PROPERTY OWNERS PLEASE READ THE FOLLOWING:
IMPORTANT INFORMATION FOR OWNER(S), LESSOR(S), EXECUTOR(S) OF REAL ESTATE
NOTICE OF NONPAYMENT AND DELINQUENCY
NOTICE OF INTENT TO DISCONNECT UTILITY SERVICE

Utility service to the premises at the service address will be terminated and disconnected no less than seven (7) days from the date of this notice, unless the past due amount is paid in full or a protest and request for hearing is filed.

PROTEST PROCEDURE

Termination and disconnection of service may be protested by filing a written request for hearing with the City Administrator, City Clerk, or Deputy City Clerk of the City of Anna, prior to the termination and disconnection of service. You must attend the hearing in person and be prepared to present reasons for disputing non-payment. The hearing will be held immediately, or as soon as practicable. The hearing will be summary and the decision of the hearing official shall be final. Should the hearing official uphold the delinquent status of your account, disconnection of utility service shall proceed accordingly. This notice is provided pursuant to Anna Ordinance 2012-02.

NOTICE OF LIEN UPON REAL ESTATE FOR UNPAID CHARGES

Past due and delinquent rates and charges that remain unpaid after five (5) days from the date of this notice may create a lien on the real estate under 65 ILCS 5/11-139-8.

**THE FOLLOWING FORM OF PAYMENTS MAY BE MADE AT CITY HALL: CASH,
CHECK OR MONEY ORDER; OR YOU CAN GO TO CITYOFANNA.ORG TO MAKE A
PAYMENT VIA CREDIT OR DEBIT CARD.**

**IF PAYMENT IS MADE AFTER 4:00 P.M. ON 12/27/19, THE UTILITIES WILL
BE DISCONNECTED AT 7:00 A.M. ON 12/30/19. THE ACCOUNT BALANCE
PLUS \$50.00 PER UTILITY MUST BE PAID BEFORE UTILITIES WILL BE
RECONNECTED. UTILITY RECONNECTIONS WILL BEGIN AT 1:00 P.M. IN THE
ORDER IN WHICH THEY ARE PAID.**