

Ordinance 2022-0010

Amendment to Wastewater Facilities Ordinance 2022-002, Stookey Township St Clair County, Illinois

Whereas Stookey Township previously enacted Ordinance 2022-002 in relation to its wastewater treatment facility including user rates and provisions for enforcement of delinquent accounts; and

Whereas Stookey Township now desires to amend such Ordinance to modify the mechanism's for establishment of sewer system user accounts and enforcement of delinquent user payments. **NOW THEREFORE** the aforesaid Ordinance 2022-002 is amended as follows:

Section 7.14 of such Ordinance 2022-002 is revoked and the following language substituted in place of the previous section 7.14.

7.14 Water Service Disconnection

(A) Stookey Township has authority under the provisions of 60 ILCS 1/205-75(e) to notify Illinois American Water Company (IAWC) that a sewer customer has a delinquency in excess of 30 days and thereby disconnect water service to the premises. In the event that a bill for sewer service to a property remains unpaid for more than 30 days and such delinquency is in excess of \$100.00, the Township Supervisor or authorized representative may send a notice of the delinquency to the sewer user and if a rental, also to the property owner, informing the user and owner that unless payment of the delinquency is made, the Township will require discontinuation of water service to the premises. The notice shall advise the sewer user and owner that they have the right to obtain a hearing before the Township Supervisor and shall advise the sewer user and owner as how to request such a hearing. The forms of notices to implement this procedure are set forth in Exhibit B of this Ordinance and incorporated herein by reference.

Once Stookey Township has given notice to IAWC pursuant to the procedures outlined in this ordinance to disconnect the water service to a certain property served by the Stookey Township sewer system for delinquent sewer user charges, any attempt to transfer the user IAWC account for such property to a different user without first satisfying the delinquent sewer user charges shall result in an immediate cancellation of the right of the user and owner of such property to use of the Stookey Township wastewater system and trigger an automatic renewal of the water service disconnection which shall remain in effect as to such property until the delinquent sewer charges and any incidental costs related to that account have been paid in full to Stookey Township. Intentional transfer of the IAWC account without payment in full for a property served by Stookey Township Sewer service and use of such wastewater treatment services shall be considered as a criminal misdemeanor of Theft of Services, under **720 ILCS 5/16-3. Theft of labor or services or use of property, subsection (a).**

(B) Any person violating any of the provisions of this chapter shall become liable to the Township for any expense, loss, or damage occasioned by the Township, including attorney's fees by reason of the violation.

The Supervisor shall develop an appropriate form of such application and make it available at the Township office and electronically.

(C) At any such hearing, the Township Supervisor shall consider the financial ability of the user to make immediate full payment and shall consider the establishment of a deferred payment plan to recoup any delinquent charges. Immediately upon conclusion of the hearing, the Township Supervisor shall advise the sewer user as to whether he/she will request that water service be discontinued.

(D) The sewer user and owner shall be liable for the cost of disconnecting the water service and for the cost of reconnecting the water service, and for any loss incurred by the Township for loss of revenue by Illinois American Water Company, its successors, or serving water utility during the time that the water is disconnected.

Further, Section 7.5 of such Ordinance 2022-002 is revoked and the following language substituted in place of the previous section 7.5.

7.5 Liability for Payment of Rate and Charges

A.) Once a premises is connected to the wastewater facilities of Stookey Township, liability for wastewater treatment services and penalties for non-payment is not dependent on issuance of a bill therefor. Wastewater treatment services are furnished to the premises by the Township only upon the condition that the owner of the premises and the occupant thereof and the user of the services are jointly and severally liable therefor to the Township. After January 1, 2023 each owner and tenant/occupant shall be required to apply directly to Stookey Township for sewer service. No application will be approved for applicants who continue to have unpaid delinquent Stookey Township sewer user account of for any premises for which there remain unpaid sewer user and related charges as established in this Ordinance.

B.) Failure of any of the parties liable for payment for such services and penalties to receive a bill shall not relieve that party of liability. Such liability shall begin when the premises are connected to the Township sanitary sewer system, or to an extension thereof, or when the premises are required to be connected to said system, as provided in Article V, 5.3 (A) and an active water service is connected to such premises. The liability for payment of at least the minimum monthly sewer service charge shall continue with respect to each premises and separate unit so long as the building is served by a water connection that is active and generating water usage charges. Only during any time when a water meter has been turned off for any reason by the water supplier shall sewer user charges for such property cease. Resumption of water service to any premises shall automatically resume sewer usage charges in accordance with the user charge schedule established under this Ordinance as amended from time to time.

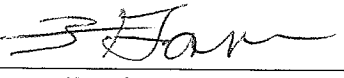
In all other respects each and every other provision of the aforesaid Stookey Township Wastewater Facilities Ordinance shall remain in full force and effect.

Notice: A copy of this amendment to the Stookey Township Wastewater Facilities Ordinance , properly certified by the Stookey Township Clerk, shall be filed in the office of the recorder of deeds, St. Clair County, Illinois and such filing shall be deemed notice to all owners of real estate

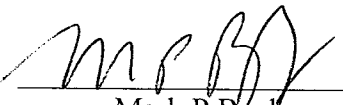
of their liability for services supplied to any consumer or user of the services of the Stookey Township sewerage system to their properties.

PASSED and APPROVED by the Stookey Township Board of Trustees this 5th day of December, 2022.

AYES	<u>4</u>
NAYS	<u>1</u>
ABSTAIN/ABSENT	<u>0</u>



Frazier Garner
Township Clerk



Mark P Bagby,
Township Supervisor

APPLICATION FOR STOOKEY TOWNSHIP SEWER ACCOUNT

Date: _____

NOTE: After January 1, 2023 ALL new sewer account customers must complete this application to qualify to use the Stookey Township, Illinois, sewage treatment service connected to their residence or other property. Merely establishing a water customer account with Illinois American Water Company (IAWC) does not entitle an occupant of a property in Stookey Township to use the sewer service. Also, any existing account that has become delinquent to trigger administrative enforcement of such delinquency pursuant to Stookey Township Sewer Ordinance, section 7.14 Water Service Disconnection, must complete this application as a prerequisite to apply for relief, such as an installment payment agreement, to prevent potential disconnection of existing water service under provisions of the Ordinance. Application for service does not guarantee that such application will be approved if any previous unpaid delinquency exists in payment of Stookey Township sewer user charges for such applicant or for the subject address.

By completing this application, the owner and if a rental property, the tenant/ intended sewer service user, understand and agree that under the applicable sewer ordinance both owner and occupant (if different from Owner) are jointly and severally liable for all user charges owed to Stookey Township for sewer usage to the subject premises as established in the Stookey Township Sewer Ordinance, as amended from time to time.

No IAWC user who is delinquent in payment to Stookey Township for sewer usage charges may transfer such user account to another person and any property for which sewer charge payments are delinquent shall be considered as ineligible for maintaining or qualifying for Stookey Township sewer service. Use of Stookey Township sewer service by the occupants after water service disconnection for non-payment without obtaining relief pursuant to the applicable process under aforesaid Section 7.14 of the ordinance, or payment in full, shall be considered a Theft of Services pursuant to 720 ILCS 5/16-3. Theft of Labor or Services or Use of Property, subsection (a) and is punishable as a Class A Misdemeanor.

Account User Name (Should be the same as IL American Water Account):

Last Name, First Name, Middle Initial

Address of Sewer Account

Phone Number

e-mail Address

Social Security Number

Driver's License/State ID Number

Date of Sale or Date of Lease

Are you the owner or a renter?

Signature

If this property is a rental property, then the owner must also fill out and sign the bottom portion.

Last Name, First Name, Middle Initial

Address of Sewer Account

Phone Number

e-mail Address

Social Security Number

Driver's License/State ID Number

Signature