



**VILLAGE OF PINGREE GROVE**

**ORDINANCE NO. 2010.12**

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**AN ORDINANCE CREATING VILLAGE SERVICE ACCOUNTS  
IN THE VILLAGE OF PINGREE GROVE,  
KANE COUNTY, ILLINOIS**

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PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS  
THIS 6<sup>TH</sup> DAY OF *July*, 2010.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY  
OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS  
ILLINOIS, THIS 7<sup>TH</sup> DAY OF *July*, 2010.

ORDINANCE NO. 2010-12

**AN ORDINANCE CREATING VILLAGE SERVICE ACCOUNTS  
IN THE VILLAGE OF PINGREE GROVE,  
KANE COUNTY, ILLINOIS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois, as follows:

**WHEREAS**, the Village of Pingree Grove is not a home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois and therefore pursuant to those powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the Village provides a variety of services, including services for a fee based on usage (e.g. water supply and garbage pickup); and,

**WHEREAS**, the Village finds it is in the best interests of the Village residents to consolidate billing for all services into one comprehensive format; and,

**WHEREAS**, the Village Board finds that it has historically provided a variety of services to the citizens of Pingree Grove (and other non-citizens) and it is in the best interests of its citizens to coordinate those services into a single billing structure; and,

**WHEREAS**, the Village Board has determined that it is in the public interest and supports the public health, welfare, safety and morals to address and define the order of payment of obligations to the Village from the various obligations that individuals may have to the Village;

NOW, THEREFORE, **BE IT ORDAINED** by the Board of Trustees in the Village of Pingree Grove, Kane County, Illinois, that:

**SECTION ONE: Ordinance Established:** Chapter \_\_\_\_, Article \_\_\_\_ of the Village Code of Ordinances is hereby established as follows:

Chapter \_\_\_\_, Article \_\_\_\_\_: Village Service Accounts

x.01 Creation of Village service accounts. The Finance Director is hereby authorized to create individual Village Service Accounts for each user of Village services. Said Accounts shall consolidate all commonly used Village services including, but not limited to, water and sewer use billing pursuant to Village Code, garbage pickup pursuant to Village Code or agreement, building permit and inspection fees, ordinance violation / parking citations and any applicable fines and penalties therefore, dog or pet registration / fees, and any other fees, charges, surcharges, interest thereupon, or other costs whatsoever due and owing from any user of Village services to the Village. For purposes of this Ordinance, a single user account shall be established for each individual

property in the Village and the charges or expenses applicable to any person who resides at such property or vehicle registered to such property's address shall be chargeable to the property's service account.

x.02 When Processing payments received for a Village Service Account, the Village shall apply all payments in the following order: 1) All outstanding penalties and fines for violations of Village codes and ordinances, 2) garbage pickup, 3) building permit or inspection fees, 4) any charges associated with abating any public nuisance or mowing weeds/grass that exceeds the height permitted under Village Code (regardless of whether the Village has filed for a lien and/or obtained a judgment for such expenses), 5) dog/pet registration and related fees, 6) fees charged for responses to false alarms pursuant to Village ordinance; 7) interest, late payment penalties, or other similar fees and surcharges, 8) any outstanding amounts for other obligations to the Village other than a charge enumerated herein, 9) water service reinstatement charges, and 10) water/sewer service and use charges.

x.03 A failure to pay any amounts due under a Village Service Account shall entitle the Village to cease provision of any or all Village services, including suspension or termination of water service.

x.04 Prior to ceasing all village services, the Village shall comply with the shut off procedures established within the Village Code, regardless of whether the basis for the shut off is due to a failure to pay amounts due for water/sewer bills, or due for other expenses or charges payable to the Village.

x.05 When village services are terminated for a specific property based upon a failure to make full payment of amounts outstanding on a Village Service Account within the time specified under Village Code or applicable Village procedures, prior to the reinstatement of services to said property, the Village may demand full satisfaction of all outstanding charges on the Village Service Account for that property, without regard to changes in the ownership or occupancy of such property.

x.06 Upon request by any party charged with a parking citation or other violation of Village Code, said violation shall be converted to an ordinance violation citation prosecuted by the Village in Court, in lieu of appearing as a charge on said person's Village Service Account.

x.07 Immediately after passage of this Ordinance, any person with pre-existing charges that are to be applied to a Village Service Account shall be provided with notice of said charges and shall be given a thirty (30) day period to pay all such charges, in full, without said charges being included in the charges on the Village Service Account.

x.08 Village Service Account Billing Procedures

A. Periodic Billing:

1. The Village shall issue monthly invoices for charges against a Village Service Account for the period between the Fifteenth day of the month preceeding and the

Fifteenth day of the present month. Notwithstanding the foregoing, in the event that the Village determines any charge was inaccurate or otherwise failed to be placed on an invoice for any reason, it may thereafter be placed on a subsequent invoice, and the failure of the charge to appear on the first invoice after the charge was incurred shall not be a defense to payment.

2. Invoices for Village Service Accounts shall be payable on the date indicated on the face of the invoice, which shall be a business day not more than twenty-two (22) nor less than fifteen (15) days from the billing date of the invoice.

3. Any Invoice not paid in full by the designated date shall be subject to the mailing of a late notice. All such invoices shall incur a late fee of ten percent (10%) of the face value of the unpaid Invoice. The failure of the Village to dispatch a late notice shall not serve as waiver of the charges or late fee associated with the Invoice.

4. Any Invoice not paid in full by the date which is sixty (60) days from the mailing date of the Invoice shall be cause for the Village to post a notice or hanging tag upon a door to the affected property, indicating that the property owners have one business day within which to make such payments as are necessary to come current on all outstanding Village Service Account Invoices. The failure of the property owner to make such payments shall be cause for the Village to turn off water supply to the affected property.

5. When the water supply to a property is turned off, it shall be unlawful for any person other than a Village employee to attempt to turn said water supply back on, or to tamper with the water meter or water supply valve(s). A violation of this provision is punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250).

6. When the water supply to a property is turned off, after the property owner makes such payments as are necessary to become current on all outstanding Village Service Account Ordinances, the property owner shall pay a water supply reconnection service fee of \$75 to the Village prior to the water supply being reactivated.

7. The Village may file for liens for delinquent charges on a Village Services Account based upon the terms of the then-current Village Service Account Billing Policy. Any such liens shall include the Village's cost of preparing and filing the lien, pursuant to the then current Village Service Account Billing Policy.

8. Should any individual or property accrue three late charges within any rolling twelve month period, said property shall be subject to the imposition of a chronic late fee charge in an amount as established by the Village Service Account Billing Policy.

9. The Village Finance Director shall be authorized to establish a Village Service Account Billing Policy, and to amend such policy, without further notice or approval.

10. Any person who submits a void, false, fraudulent, post-dated, stale or otherwise invalid negotiable instrument or check for payment of a Village Service Account Invoice, or whose check is returned as lacking sufficient funds, shall be subject to the fees contemplated by the Village Service Account Billing Policy, which may include imposition of the maximum fine permitted under then-current law, in addition to referral for criminal prosecution where appropriate, and in addition to payment of any fines or NSF fees that the Village incurs. The only acceptable forms of payment for a Village Invoice are US dollars, personal checks with the address of the property listed as the permanent address of the payor, bank checks, money orders, valid credit cards or certified checks. The Village shall refuse to accept personal checks from any person who has tendered a false, fraudulent or NSF check within the past twelve month rolling period.

B. Billing Disputes:

1. Any person who disputes a charge appearing on a Village Service Account may appeal the charge by submitting a written appeal to the Village Finance Director within five (5) business days of the face date of the first Invoice on which such charge appears. Any such appeals shall be reviewed by the Village and the Village shall respond to such appeals, in writing.

2. Any person who believes that their water meter is inaccurate may request to have the water meter tested for accuracy. A water meter operating within a five percent (5%) margin of error shall be deemed accurate for purposes of this Ordinance. Regardless of the accuracy of the meter, the party requesting the testing shall be responsible for all costs of testing the meter. In the event the meter is inaccurate by more than 5%, the person requesting the testing shall have the option of replacing the meter, and if the meter is replaced, the person requesting the testing shall be responsible for the full cost of replacement (including labor and materials).

C. Accountability for Village Service Account Invoices:

1. Any person who is listed as a responsible party with respect to any property in the Village shall be accountable for all such properties for which they are listed, and each property may be cross-billed in the Village's sole and absolute discretion (i.e. if one person is the owner of multiple properties and fails to pay the Invoice associated with any one of those properties, all of the properties may be subject to the procedures described above for delinquent payments).

2. Any person listed as a responsible party with respect to a property in the Village that has delinquent charges as noted above shall be ineligible to establish a new Village Services Account or new Village water service until all delinquent amounts are paid in full.

3. In addition to the foregoing, the Village shall track Village Service Accounts by property. Should a property be sold to a third party, prior to the third party establishing a new Village Services Account and/or establishing Village water service to the property, all delinquent amounts relating to that property must be paid in full regardless of the identity of the person under whose ownership the delinquent charges were incurred.

accountability

**SECTION TWO: GENERAL PROVISIONS:**

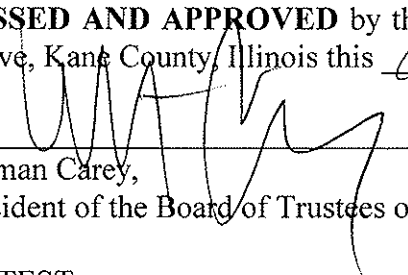
**REPEALER:** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

**SEVERABILITY:** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

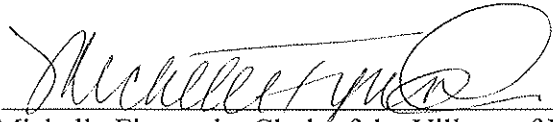
**EFFECTIVE DATE:** This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**CODIFICATION:** The Village of Pingree Grove is presently undergoing codification of its ordinances into a unified Code Book. To that end, the chapter numbers identified above have been selected based upon the Village's estimation of what the actual chapter number shall be. That said, the Village Manager and Village Clerk shall be expressly authorized to change or amend the identifying chapter numbers as shall be necessary to conform such numbering to the codification of the Village's Ordinances, provided that the text of the ordinances (other than the numbering) shall not be changed. This ordinance shall remain in full force and effect without regard to the renumbering or relabeling of the paragraphs.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois this 6<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
Wyman Carey,  
President of the Board of Trustees of the Village of Pingree Grove

ATTEST:



Michelle Figuerola, Clerk of the Village of Pingree Grove

	Aye	Nay	Absent	Abstain
Trustee Steve Wiedmeyer	<u>X</u>	_____	_____	_____
Trustee Stephanie Mette	<u>X</u>	_____	_____	_____
Trustee Greg Marston	<u>X</u>	_____	_____	_____
Trustee Joshua Cossiboon	<u>X</u>	_____	_____	_____
Trustee Larry Gillie	_____	_____	<u>X</u>	_____
Trustee Cathie Vavra	<u>X</u>	_____	_____	_____
Village President Wyman Carey	_____	_____	_____	_____



**Village of Pingree Grove  
Village Service Account Billing Policy  
Effective July 7, 2010**

Pursuant to the terms of the Village of Pingree Grove Village Service Accounts Ordinance, this Village Water Billing Policy is established at the direction of the Village Finance Director, effective this 7<sup>th</sup> day of July, 2010.

Any person employed by the Village to perform the task of water billings or Village Service Account billings shall be deemed a "Billing Clerk" for purposes of this Ordinance.

1. The Billing Clerk shall issue invoices on Village Services Accounts for that period from the fifteenth of the month prior to the fifteenth of the current month. Said invoices shall be issued within three business days of the fifteenth of the current month ("the Date of Issuance").
2. The Billing Clerk shall cause the invoices to indicate both the Date of Issuance and the Due Date. Payment shall be due on a business day which is not less than fifteen nor more than twenty-two (15-22) days from the date of issuance of the invoice ("the Due Date").
3. For any invoices that are not paid by the Due Date, the Billing Clerk shall apply a ten percent (10%) late fee to the invoice, and shall mail a late notice ('pink card') to the Property.
4. For any invoice that is not paid in full by the date which is sixty (60) days from the Due Date, the Billing Clerk shall notify the Village Water Department of the property address and identifying information. The Village Water Department shall then 'tag' the property by placing a notice on the front door thereof, advising of the delinquency. The Village Water Department shall also notify the Billing Clerk of the date and time of the tagging. If the Village Service Account Invoice is not satisfied, in full, within one business day of the date of tagging, the Billing Clerk shall notify the Water Department and the Water Department shall turn off the service to the affected property.
5. If the water service to a property is turned off, before the service may be reactivated, all outstanding invoices must be paid in full, and the property owner must pay a \$75 reactivation fee.

6. Any property that accrues three late fees or shutoffs within a rolling twelve month period shall be identified as a Chronic Late Property. The Billing Clerk shall maintain a current list of all Chronic Late Properties at all times. Chronic Late Properties that have their water service turned off for non-payment shall be subject to a \$100 reactivation fee (in lieu of the regular \$75 reactivation fee).

7. After thirty (30) days have passed since a property's water service has been turned off, if all Village Service Account Invoices associated with the property are not paid in full, the Billing Clerk shall work with the Village Clerk to issue and record a lien for delinquent charges. The amount liened shall include the cost of recording the lien (\$25 for the first four pages, plus \$1 per page thereafter), plus costs of preparing the lien. If the Village Service Account is subsequently paid in full and the lien satisfied, the Billing Clerk shall work with the Village Clerk to prepare a release of lien, which release shall be provided directly to the property owner, who may record the release at their own expense.

8. Village Service Account Charges, including late charges and service reactivation fees, shall not be deleted, written-off, adjusted or discounted without the express, written permission of the Village Finance Director. Similarly, any deviation from the above-listed procedures, including any alternative payment plans, alternative forms of notice, or any agreement to accept partial payment or to defer tagging or water service shutoff, shall require the express, written permission of the Village Finance Director. Any such adjustment to a Village Service Account or any deviation from this Policy or the Village Service Accounts Ordinance shall be detailed in the 'Notes' screen on the Village Service Account tracking software. Any such note shall indicate the date and time of the deviation, the nature of the deviation, the amount of charges adjusted, the identity of the person authorizing the adjustment, and any other information necessary to permit full and accurate records to be maintained.

9. As indicated in the Village Service Accounts Ordinance, charges shall be tracked both by responsible party and by property. The Billing Clerk shall track all Village Service Account Invoices by both category (responsible party and property address). Charges applicable to one responsible party who owns multiple properties shall be cross-billed to all properties under common ownership when any delinquency occurs. Charges applicable to one property shall be satisfied in full prior to the transfer or establishment of a new Village Services Account for any property.

10. The Billing Clerk shall work with the Water Department to establish Village Service Accounts for any newly constructed or renovated property in the Village, or for any property that changes ownership. The Water Department shall provide the Billing Clerk with the data from the water meter and transmitting equipment associated therewith, and the Billing Clerk shall accurately enter such data within the Village Services Account software. The Billing Clerk shall use the Billing

Occupancy Change Form attached hereto as Exhibit A for any changes in account status or new accounts.

11. The Billing Clerk shall maintain accurate records within the Village Services Account Software, and shall log all charges and payments made against any Village Services Account. Any Village department that establishes a charge for any Village Services Account shall notify the Billing Clerk of said charge, and the Billing Clerk shall enter the same for inclusion on the next available invoice.

12. In the event any party seeks to have a water meter tested for accuracy, the Billing Clerk shall coordinate said testing. The Billing Clerk shall determine from the Water Department the cost of said testing, and shall obtain payment for the same prior to authorizing the testing. If water meter replacement is required, the cost of the acquisition and installation of the replacement water meter shall be applied as a charge on the Village Service Account.

13. The Billing Clerk shall maintain an accurate list of all properties within the Village that are:

- a. Subject to tagging or shutoff or have been tagged or shutoff within the past three months
- b. Presently receiving water service
- c. Presently shut off from water service for delinquent bills
- d. New accounts or new services within the past three months
- e. Listed on the report generated by the Village Service Account software as having deviations from expected billings (high / low / zero bills)
- f. Currently identified as uninhabited or abandoned
- g. Currently sixty or more days delinquent in the payment of amounts on the Village Service Account
- h. Owned by a party who has provided a void, fraudulent, NSF or otherwise invalid check to the Village within the past twelve month rolling period.

The Billing Clerk shall also maintain a current and complete copy of the Utility Billing Procedure Checklist, a copy of which is attached hereto as Exhibit B, for all properties then-currently within the Village Service Accounts program.

14. On not less than a quarterly (every three month) basis, the Billing Clerk shall call a meeting with the Finance Director and Water Department (and, if necessary, the Village Clerk, Police Department and/or Building Department) to review the lists described in Section 13 above for accuracy and completeness.

15. The Billing Clerk shall not accept any third party checks, temporary checks, checks that are issued with any obvious defect or inconsistency (such as post-dated checks, checks that are dated more than thirty days prior to the date of payment, checks that list different amounts in the written and numeric descriptions of the value of the check, unsigned checks, or checks that otherwise reasonably appear to

be deficient for some reason). In the event of any questions regarding the legitimacy of a check, the Billing Clerk shall check with the Finance Director before depositing the check. The Billing Clerk shall not accept a personal check for payment of an Invoice from any person who has tendered a false, fraudulent or NSF personal check within the previous twelve month period. Any time a check is returned for NSF or any other reason to the Village, the Billing Clerk shall apply a \$25 NSF charge to the affected account and shall consult with the Finance Director as to the amount of any additional charge to be applied to the Village Services Account by reason of the bad check.

16. The Billing Clerk shall not use phone calls or other or additional notices not required under the Village Service Accounts Ordinance or this Policy as a means of collecting sums due to the Village or as a means of notifying any party of an outstanding Invoice.

17. Information obtained by the Billing Clerk in the course of the performance of his/her duties shall be maintained as confidential by the Billing Clerk and shall not be disseminated to any third parties other than as directed by the Finance Director, Village Manager or Corporate Authorities of the Village.

18. In the event that the Billing Clerk is notified of an alleged or actual bankruptcy filing by any responsible party with respect to a Village Services Account, the Billing Clerk shall immediately notify the Finance Director, and shall follow whatever direction is provided by the Finance Director. In addition, the Billing Clerk shall maintain records of the 'pre-petition debt' (i.e. debt that predates the filing date for the bankruptcy) and the 'post-petition debt' (i.e. debt that follows the filing date for the bankruptcy). With respect to post-petition debt, unless otherwise instructed by the Finance Director, the Billing Clerk shall treat such debt as a new account, subject to invoices, notice and shutoff as described above (but not including the pre-petition debt).

19. The Billing Clerk shall work with the water department to determine whether any additional charges should be applied to the VSA with respect to the water department (e.g. supplemental water meter usage and associated fees, meter replacement, or other charges). The Billing Clerk shall work with the Police Department to determine whether any additional charges should be applied to the VSA with respect to the Police Department (e.g. parking tickets, compliance citations, or other charges). The Billing Clerk shall work with the Building Department to determine whether any additional charges should be applied to the VSA with respect to the Building Department (e.g. building permit fees, inspection/reinspection fees, etc.). The Billing Clerk shall work with the Public Works Department to determine whether any additional charges should be applied to the VSA with respect to the Public Works Department (e.g. mowing charges). Generally speaking, the Billing Clerk shall work with each Village department to determine the amounts that should be added to the Village Service Account.

20. Any department that causes or permits an expense to be incurred by any property or property owner shall notify the Billing Clerk in writing or via e-mail of the nature and amount of the charge, and the property to which it is applicable. The Billing Clerk shall then add such charges to the next Village Service Account Invoice issued for that property. The Billing Clerk shall notify the affected department once payment is received for the expense incurred by or in relation to the department, in writing or via email.

21. Revenue received from the various expenses and charges in the Village Service Account shall be applied to the appropriate Village account in light of the expense in question (e.g. parking citations shall be applied to the appropriate account and shall not be applied to the water billing account).