

**26.001**

An ordinance establishing rules, rates, regulations and penalties for the operation of the Village of Waynesville, DeWitt County, Illinois, Water System.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF WAYNESVILLE, DEWITT COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION 1 - Establishing Charges**

Charges for water service shall be made and collected against each lot, parcel of land, or portion thereof, or premise to which water is supplied by the Village Waterworks System. If any tract of land contains more than one premises, then each premises shall be liable to pay the fees for water, hereinafter set forth. The owner of any lot, parcel or land, or premises, using or receiving water services from the Village, and the occupant of such premises, and the user of such services shall be jointly and severally liable for the payment of the charges for such use and services to such lot, parcel of land or premise, and all services are rendered to the premise by said Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefore to the Village.

Water purchased from the Village may be used for ordinary domestic, industrial or farm use upon the premises of the user, provided no user shall resell or permit the resale of water purchased from the Village.

**SECTION 2. - Initial Charges**

All customers requiring new service shall pay the actual cost of installing the meter and appurtenances. There is a \$500.00 Minimum Charge for installing new service. Each such meter and necessary appurtenances, including a shut-off valve at the main, shall be of the type and model as specified from time to time by the Village Board. After installation, the shut-off valve, meter, and necessary appurtenances up to the meter outlet shall become the property of the Village. Payment in full must be made as soon as installation is completed before water service can be turned on.

In addition to the above installation costs, a \$200.00 deposit shall be made on all new water customers and all rental properties to guarantee payment of water bills. Such \$200.00 deposit shall not be required of previous or current water customers who maintain(ed) their accounts in good standing (ie paid on time). The deposit shall be returned to all renters, without interest, upon termination of water service and all accounts of that user being paid in full. Should any account be unpaid, such amount shall be deducted from the deposit, and the remainder, if any, returned to that user. Deposits collected from new customers who are buying their home, and who have paid on time for a period of 2 years (24 months), will have their deposit refunded, without interest, at the end of the 2 years. Otherwise, the deposit will be retained until water service is terminated and all accounts of that user are paid in full. Should any account be unpaid, such amount shall be deducted from the deposit, and the remainder, if any, returned to that user.

Should any account become 30 days delinquent or more, and the minimum payment required is not received by the date the account is due to be shut off, the deposit currently held on

**the account shall be applied to the delinquent balance, and an amount shall be required to be paid to bring the deposit held to the current required deposit amount, plus all delinquent balance amounts and reconnection fees due, before water service will be restored.**

All deposits shall be placed in an account separate from all other Village Accounts.

### **SECTION 3. - Payment of Bills**

The rates as shown in the rate schedule in Section 12 of this ordinance shall be paid by each customer, beginning at the time the Village makes water available to such customer. Rates shall not apply to residents which have had water service discontinued, except for such rates as may be required to defer costs in improvements which may require the Village to borrow money for such purpose.

The meters will be read by the Village on or about the 6th day of each month. If weather conditions or other circumstances prevent the reading of meters, each water bill will be estimated by the Village Treasurer. Bills will be mailed by the 16th or 17th day of each month and are due **by 4:30 PM on the 5th day of the following month. Any payments received after 4:30 PM on the 5th day of the month, the amount due will be deemed late, and will be subject to 10% late charges as described in this ordinance. Any accounts receiving a SHUT OFF NOTICE as described in this ordinance which have not paid the minimum amount due as stated on the notice by 4:30 PM on the 5th day of the month that the amount is due, shall have service disconnected after 4:30 PM on that date, with NO FURTHER NOTICE BEING GIVEN.**

In the event that meters are unable to be read due to adverse conditions or other unavoidable circumstances, for any leaks incurred during months that water usage is estimated, the Village of Waynesville will pay one half (1/2) of what is over the average monthly bill. This applies **ONLY** to months where billing is estimated.

Any such Overage consumption would fall within the authority of this ordinance, and the Village would absorb 1/2 the cost of such overage provided that the user who is granted this relief is aware that a leakage, or abnormality, exists and that attempts to correct this malfunction are being taken, or planned. This would not include any previous water bills (for consumption of water, or leaks) and such bills would still carry the 30-day due date that was established.

A 10% Service Charge shall be added to all bills not paid in full by the 5th day of the following month.

A \$25.00 charge shall be made for all checks returned to the Village for any reason.

The \$200.00 deposit provided for in Section 2 hereof may be forfeited against unpaid bills and a new \$200.00 deposit required prior to restoration of service, should service be discontinued due to non-payment of bills.

If a bill is not paid in full within thirty (30) days of due date, **service may be disconnected and such other activities may be undertaken as permitted by Illinois law and the terms of this ordinance.**

Water Service may also be disconnected for non-payment of Sewerage bill, even though

the water service has been paid in full.

Customers shall be given notice at least ten (10) days prior to termination of service.

Responsibility for payment of water consumed prior to the date of termination of service shall be with the property owner, as well as the user.

All delinquent amounts are to be paid within ten (10) days, should the user and/or property owner receive a 10-day notice of termination, or service may be disconnected without further notice. The property owner of a rental property shall receive a 10-day notice of disconnection in addition to the renter/user, should the bill be come thirty (30) days delinquent.

#### SECTION 4. Collection of Bills

The Village Treasurer is hereby designated as collector for the water system. It shall be the duty of such collector to render bills for service and all other charges in connection therewith, to collect all money due thereon, and make written monthly reports to the Chairman of the Water Department relative to delinquent bills.

There will be a \$50.00 re-connection fee if water is disconnected.

If the Minimum Amount required is not paid in full by 4:30 PM the day water is to be disconnected, the Village will not turn the water back on until after 8:00 AM the following morning, even if payment is made after 4:30 PM. The Village has 24 hours to restore service after payment is received during normal weekdays of Monday through Friday. Any service disconnected on Friday for non-payment will not be reconnected until the following Monday. If the following Monday is a holiday, service will be restored on Tuesday.

If a customer has service disconnected for non-payment, and makes payment AFTER 4:30 PM on any date after disconnection, and wishes to have service restored before 8:00 AM the following day, an additional Service Fee which shall equal 3 Hours of Overtime Pay for the Water Maintenance Personnel who must restore service, must be paid at the time the entire overdue balance is paid, and the re-connection fee of \$50.00 is paid, prior to service being reconnected.

If a customer contacts water department maintenance personnel at any time for issues that are the property owner's responsibility, such as not having a water shut off valve for the residence, requesting maintenance personnel to assist with an issue that is not Village responsibility, there will be a \$50.00 per hour fee charged, with the minimum charge being \$50.00.

All revenue derived from the operation of the water system shall be held by the Village Treasurer separate and apart from all other funds of the Village, and all of said sum, without any deduction whatever, shall be properly deposited at a bank as so designated by the Village board not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees of the Village of Waynesville.

The Village Treasurer shall receive all such revenue from the water system and all other

funds and monies incidental to the operation of such system as the same may be delivered to him/her and deposit the same in a separate fund designated as the "Water Fund" of the Village of Waynesville, and said Treasurer shall administer such fund in every respect in the manner provided for by the Illinois Municipal Code and all laws amendatory thereof and supplementary thereto. A Surety Bond with approved corporate sureties shall be adequate to cover the maximum amount on hand at any time.

The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the Water System. Within sixty (60) days of the 30th day of April each year, the Treasurer shall cause to be made an audit by a Certified Public Account of the books to show the receipts and disbursements of the Water System, customers, gallons billed and pumped, insurance, etc.

#### **SECTION 5. - Change in Occupancy**

Any user requesting a termination of service shall give written notice to the Village ten (10) days prior to the time such termination of service is desired. The meter shall be read by the Village and the user will be billed.

Responsibility of payment for water consumed prior to the date of termination shall be with the property owner, as well as the user.

There shall be no charge for transferring the water service to the subsequent user, except for the deposit under Section 2.

#### **SECTION 6. - Village Responsibility**

The Village shall own and maintain the water mains, shutoff valves, service lines to meters, and meters. The meter may be located near or within the user's premises as determined by the Village Board. The meter and shutoff valve must be located at a point where they are readily accessible.

The Village may at any time refuse additional service to any applicant if in the judgment of the Board of Trustees the capacity of the system will not permit such use.

All water service supplied by the Village shall be upon the express condition that the Village shall not be liable nor shall any claim be made against the Village for damages or injury caused by reason of shutting off of water for repair, flushing, relocation, non-payment of bills or expansion of any part of the system, or failure of any part of the system or for concentration of water for such purposes as firefighting or restricted use of water.

#### **SECTION 7. - User's Responsibility**

The user shall be responsible for installation and maintenance of service lines between the meter outlet and the residence or business. Should a leak occur in the users service line between the meter outlet and the residence or business, the leak must be repaired within 30 days of discovery and/or notification of the leak. Failure to do so will result in a penalty of \$100 per day, after 30 days, that the leak continues. Water service will also be disconnected after the leak is

repaired if the fines are not paid in full within 30 days, including a \$50.00 re-connection fee.

Service lines must not be covered until they are inspected and approved by a duly authorized Village representative. The owner shall indemnify the Village of Waynesville from any loss or damage that may directly or indirectly be occasioned by the installation of the service by the Village.

Should a customer request the Meter be moved from it's present location, the customer will be responsible for all costs for parts and labor, with there being a \$250.00 Minimum Charge.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line must meet those requirements of the State of Illinois Environmental Protection Agency.

#### 7-A Cross Connections

If, in accordance with the Illinois Plumbing code, or in the judgment of the Superintendent of Water distribution, an approved back flow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water Distribution will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing code and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations.

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village enters the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water Distribution and the Illinois Environmental Protection Agency.

It shall be the duty of the Superintendent of Water Distribution to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Superintendent of Water Distribution shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Waynesville for the purpose of verifying the presence or absence of cross-connections, and that the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Waynesville for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish information to the piping system or systems of water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water Distribution, be

deemed evidence of the presence of improper connections as provided in this ordinance.

The Superintendent of Water Distribution of the Village of Waynesville is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a re-connection fee of \$50.00 is paid to the Village of Waynesville, Illinois. Immediate disconnection with verbal notice can be effected when the Superintendent of Water Distribution is assured that imminent danger or harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.

The consumer responsible for back-siphoned material or contamination through back flow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

The user shall give such easements and right-of-way as necessary to the Village and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the Water System. The necessity shall be determined by the Board of Trustees.

#### **SECTION 8. Liens on Real Estate**

In the event the charges for service are not paid within sixty (60) days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter, such delinquencies shall constitute liens upon the real estate for which such service is provided and the Village Clerk/Collector and/or Village Treasurer is hereby authorized and directed to file sworn detailed statements showing such delinquencies in the office of the Recorder of Deeds of DeWitt County, Illinois, and the filing of such statements shall be deemed notice of the lien for payment of the service rendered.

The property subject to a lien for unpaid water charges shall be sold for non-payment of the same, and the proceeds of such sale applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory lien. Such foreclosure shall be by bill and equity in the name of the Village.

The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, and any court having jurisdiction over such matters, against any property for which a water bill has remained unpaid for sixty (60) days after it has been rendered.

#### **SECTION 9. Damage to Village Property**

No user or other person shall tamper, adjust, damage, or in any manner interfere with the components or operation of the Water system owned by the Village. The shut-off valve shall be opened only by a duly authorized representative of the Village.

No connection shall be made to the Water System owned by the Village without written permission of the Chairman of the Water Department.

**SECTION 10. Penalty for Damage**

Any person, firm, corporation, association, agent or legal representative violating the provisions of Section 9 of this ordinance shall be subjected to one or more of the following penalties:

- (1) The Village shall be compensated upon the basis of time and material for restoration of the water system.
- (2) The Village may institute legal proceedings for violations of this ordinance through the Village Attorney, punishable by a fine not to exceed \$500.00, with each day the offense is continued to be considered a separate violation.
- (3) The Village may refer violations of this ordinance to the DeWitt County States Attorney for prosecution under the Criminal Code of the State of Illinois.

**SECTION 11. Extension of Mains**

The Board of Trustees shall first determine if an extension of a water main is economically feasible based on the estimated cost and the number of potential users. If the extension is economically feasible, then the Village may install and pay the cost of the extension at the discretion of the Board of Trustees. If an extension is made by someone other than the Village, the Village must approve all plans and specifications. No extension will be permitted if, in the opinion of the Board of Trustees, the system doesn't have the necessary capacity to serve the proposed extension.

**SECTION 12. Rates**

The following shall be the rates for water supplied by the Village of Waynesville , DeWitt County, Illinois:

The MINIMUM bill will be at the rate of \$20.85 per month, payable irrespective of use.

First 941 Gallons per Month	\$20.85
Next 1,500 Gallons per Month	\$6.70 per 750 Gallons
Next 2,250 Gallons per Month	\$5.43 per 750 Gallons
Next 4,687.5 Gallons per Month	\$4.20 per 750 Gallons

If more than one family unit is located on the premises services, then each such family unit shall make application for water service separately and be liable for a separate minimum charge on said service.

**In the case of an emergency situation in the Village of Waynesville, such as drought, fire, etc. the Board of Trustees has the right to impose a fine as follows:**

**If a resident receiving water service from the Village of Waynesville, DeWitt County, Illinois, uses in excess of 5,000 Gallons more per month than the same month of the previous year, a fine of \$75.00 over and above the monthly water bill will be imposed. Said amount of gallons used in excess can be over set or under set by the Board of Trustees of the Village of Waynesville at a later date.**

**SECTION 12 - A - Swimming Pool Rates --- WATER FROM HYDRANT - RESCINDED**

**Due to issues to the water system caused by withdrawing water from hydrants for swimming pools, this option is no longer available. Swimming Pools must be filled using a hose connected to a tap at a residence or by purchasing water to be hauled in by an outside source.  
Effective: June 18, 2018.**

**SECTION 12 - B - Blowing out Customer owned Water Line from meter to residence**

**A fee of \$15.00, payable in advance, will be assessed for blowing out the water line, when a resident requests this be done on the line running from the meter back to the residence, which is the homeowner's responsibility. The Village assumes no responsibility for any adverse factors arising from this service. The resident requesting this service shall be required to sign a waiver releasing the Village from any and all damages before the service can be performed.**

**SECTION 13. Validity**

**The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.**



**SECTION 14. - Ordinance in Force**

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Read and approved this 10th day of October, 2022.

Passed and adopted by the Village Board of Trustees, Village of Waynesville, DeWitt County,

State of Illinois, on the 10th day of October, 2022, effective the 20th day of October, 2022, by the following vote:

AYES: (6) Bristow, Shaffer, Cummings, Settles, Brown, Lowery

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

Signed:   
VILLAGE PRESIDENT

ATTEST:  
  
VILLAGE CLERK

ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF WAYNESVILLE  
THIS 10<sup>th</sup> DAY OF October, 2022.

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Published in pamphlet form by authority of the Board of Trustees of the Village of  
Waynesville, DeWitt County, Illinois, this 10<sup>th</sup> day of October, 2022

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STATE OF ILLINOIS

COUNTY OF DEWITT

CERTIFICATE

I, Fran Garrett, Certify that I am duly appointed and acting municipal Clerk of the  
Village of Waynesville, DeWitt County, Illinois.

I further Certify that on October 10<sup>th</sup>, 2022, the Village Trustees of  
such municipality passed and approved Ordinance No. 26.001, commonly  
known as Water Ordinance, a pamphlet form of said  
Ordinance is posted in the Village Hall Office for review for thirty (30) days.

DATED THIS 10<sup>th</sup> DAY OF October, 2022.

Fran Garrett

FRAN GARRETT - VILLAGE CLERK