

STATE OF ILLINOIS)
) *SS*
COUNTY OF WINNEBAGO)

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 18th day of March 2020 there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2020-103-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the City, this 18th day of March 2020.

[SEAL]



LEGAL DIRECTOR AND *EX OFFICIO*
KEEPER OF THE RECORDS AND SEAL

ORDINANCE NO. 2020- 103 -O

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD, WINNEBAGO COUNTY AND OGLE COUNTY, ILLINOIS, THAT:

By passage and approval of this Ordinance, the Mayor and Legal Director are hereby authorized to approve the attached revisions to the Water Billing Ordinance.

The provisions and sections of this Ordinance shall be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval and publication, as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

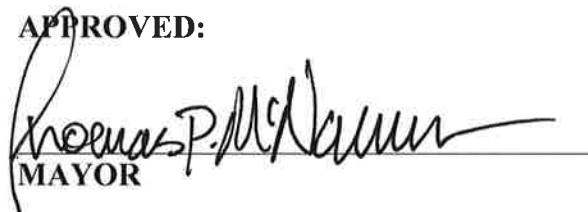
AYES: DURKEE, GASPARINI, TUNEBERG, FROST, ERVINS, HOFFMAN, ROSE, BEACH,
QUINONEZ, MCNEELY, CHIARELLI

NAYS: _____

ABSENT: HERVEY, THOMPSON-KELLY, BECK

ABSTAIN: _____

APPROVED:


MAYOR

ATTESTED:



LEGAL DIRECTOR

PASSED: 3/16/20

APPROVED: 3/18/20

PUBLISHED: 3/18/20

ATTESTED and **FILED** in my office this 18th day of March, 2020, and published in pamphlet form this 18th day of March, 2020 by order of the City Council of the City of Rockford, Illinois.



Legal Director and ex officio
Keeper of the Records and Seal

RECOMMENDED AND
APPROVED BY:



NICHOLAS O. MEYER, Legal Director

DIVISION 4. - WATER METERS

Sec. 28-124. - Primary meters required.

Every service branch shall, when the property is connected to the city water system, be equipped with a primary water meter and all water used on each property or premises must pass through its primary meter. This requirement shall not apply to service branches used exclusively for fire protection.

(Code 1970, § 31-50; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-125. - Secondary meters.

If one or more secondary meters are desired to subdivide the water use registered by a primary meter, the secondary meters must all be located on the opposite side of the primary meter from the water main. The property owner shall assume all responsibility for installing, reading, and maintaining such secondary meters.

(Code 1970, § 31-51; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-126. - Size of meters.

The Water Superintendent shall specify, at the time of a building permit, a minimum allowable meter size for each premises based on the anticipated rate of water use thereon. When the actual rate of water use is greater than was anticipated, or when changes on the premises result in an increased rate of water use, the Superintendent may require the owner to purchase a larger meter.

(Code 1970, § 31-52; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-127. - Radio read meters.

- (a) Water meters equipped with radio read devices, which enable them to be read from the outdoors, shall be required on all primary meters.

(Code 1970, § 31-53; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-128. - Lease of meters; costs.

- (a) *Regular service.* The owner of every premises or property served by City water shall lease a meter and all necessary appurtenances from the water utility. Except for those customers who have established a history of timely payment defined elsewhere in this chapter, the lease fee and installation costs of every meter must be paid in full before the meter is installed.
- (b) *Temporary service.* Every person requesting temporary water service shall purchase a meter and the appurtenances that may be necessary from the water utility. The costs of the meter and appurtenances shall be paid in advance. If, after return of the meter and appurtenances and the assessment of all meter and appurtenance repair, hydrant service, and water use charges, a balance remains, it will be refunded to the customer.
- (c) *Determination of costs.* The Water Superintendent shall determine the amount to be charged for each size and type of meter, which amount shall include all costs of installation, from the prevailing equipment, material, and labor costs to the water utility.

(Code 1970, § 31-54; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-129. - Installation of primary water meters.

- (a) The water utility shall install all primary water meters, and the costs of installation shall be included in the prices charged for the meters.
- (b) The property owner shall have the plumbing necessary to set the water meter completed in accordance with the City plumbing code and water utility design standards before the meter is installed.

(Code 1970, § 31-55; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-130. - Removing, tampering with primary meters.

No person other than a duly authorized agent of the water utility shall remove any primary meter or break the seal thereon. No person shall tamper with any primary water meter, its remote registration device, or the cable connecting the two. Additionally, the Legal Director is hereby authorized to file suit to recover any and all costs as detailed in section 28-8(d).

(Code 1970, § 31-56; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-131. - Testing, repair and replacement of meters.

- (a) Primary water meters shall be tested, repaired, and replaced by the water utility as the Superintendent considers necessary to ensure the accurate measurement of water use.
- (b) Testing initiated by the water utility, and repair or replacement of water meters made necessary by normal wear, shall be done under the user fee agreement and at no added cost to the customer.
- (c) Water meter repairs or replacements made necessary by tampering, neglect, freezing, hot water, or any other abnormal cause shall be paid for by the property owners, and the owners shall be responsible for any damage caused by water leakage from the meter.
- (d) In no case shall the water utility be responsible for damages caused by water leakage from a meter that occurred prior to notification of such leakage by the customer.

(Code 1970, § 31-57; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-132. - Testing when accuracy of meter is disputed.

- (a) When the accuracy of a water meter is questioned, the property owner may request that it be removed and tested by the water utility or water facility of their choice. The owner shall have the right to witness the testing of said meter.
- (b) If the test discloses an error in registration greater than three percent in favor of the water utility, the charge for the excess use registered shall be subtracted from the current or most recent bill and no charge will be made for performing the test.
- (c) If the test discloses no error or an error greater than three percent in favor of the customer, the cost of performing the test, as determined by the Water Superintendent, shall be paid by the property owner unless ten or more years have passed since the meter was installed or last tested.

(Code 1970, § 31-58; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Secs. 28-133—28-162. - Reserved.

DIVISION 5. - CUSTOMER ACCOUNTS; AND BILLING

Sec. 28-163. - Application to open an account

- (a) Every application for water service shall be made by the owner of the premises to be served. Every premises served shall constitute a separate account in the property owner's name. All bills for minimum water charges, consumption, rates and/or other services included on water bills shall be sent to the property owner. Applications for water service on properties not previously served shall be made at the offices of the City of Rockford Public Works Department. Requests for water service due to changes in ownership on a property with established water service shall be made at the offices of the City of Rockford Finance Department. The owner of the property served shall sign the application for new water services. The owner and all successors in title shall be deemed to be the applicant and customer for all water service provided to the property regardless of whether such owner or successor in title is the end-user of the water service provided or whether such owner or successor has signed the service application.

- (b) Every application for new water service shall constitute an agreement by the applicant to pay for all water used on the premises through said service and to comply with all ordinances, rules, and regulations then in effect or that may thereafter be adopted. The application will require, for purposes of identification, the name of the property owner, address of the property, tax ID or individual taxpayer identification number of the property owner, billing address if different from property address and any additional information the water utility deems necessary. The water utility reserves the right to deny water service when applications are incorrect or incomplete.
- (c) The City may deny water service to any applicant when such applicant owes the water utility a delinquent bill for service to another premises.
- (d) Provided that the applicant does not have a delinquent bill against his or her current account, an owner-occupant who relocated may transfer the balance of the account from the old premises to the new.
- (e) When a water service account is activated because the owner is applying for a new account or because there is a change of ownership, said property owner shall pay the nonrefundable application fee as established by the City. Said fee shall be paid at the time of application for new accounts or added to the water bill for existing services.
- (f) It shall be the duty of the purchaser of any premises in the City, or of any mortgagee, trustee or lien claimant holding any mortgage, trust deed or item against any premises within the City, to first ascertain from the Finance Department any delinquent water bill, tax, rent or service, which may have accrued against the premises, before purchasing the premises or instituting proceedings foreclosing the mortgage, trust deed or lien.
- (g) The purchaser of any premises in the city, or of any mortgagee, trustee or lien claimant shall then notify the Finance Department of the intention to purchase the property or foreclose the mortgage, trust deed, or lien. Said notice shall be made ten days before the closing date for said premises.
- (h) After receiving the notice in subsection (g), the Finance Department shall cause a final read of the water meter to be taken in order to determine the amount owed for water services by the customer being inactivated at the subject premises. Amounts owed by the customer being inactivated shall be paid to the City or to a title company prior to the new customer being added to the account.
- (i) Failure to provide the notice in subsection (f) of this section shall render the customer being inactivated and/or the new customer(s) to be added to the account until the outstanding balance is paid in full.
- (j) This section shall not apply to any mortgagee, trustee or lien claimant who has successfully foreclosed upon any mortgage, trust deed or item against any premises and the sale of said premises has failed to generate proceeds sufficient to satisfy the city's water lien in said premises therefore extinguishing the City's lien.
- (k) The City may transfer any outstanding balances on a water account for a customer to another active account for the same customer. Failure to pay may result in termination of water services for all accounts of that customer.

(Code 1970, § 31-70; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-164. - Basis for billing water use.

- (a) Except as otherwise provided in this chapter, readings of primary water meters shall be taken by way of an automatic meter reading unit. Inside readings shall be taken on properties in the event the Water Superintendent or Finance Director determines that there are reasonable grounds to believe the automatic meter reading unit may be inaccurate or that an inside reading is otherwise necessary to accurately register the quantity of water consumed. All customers shall provide reasonable access to the city or its designated agents for the purpose of conducting inside readings.
- (b) If the City is unable to read a primary water meter or the meter fails to accurately register the quantity of water consumed, then an estimated read will be used based on previous consumption to generate

a bill until an actual read can be obtained. Once the issue has been corrected, the Finance Department will back-bill for any consumption not accounted for or issue a credit if applicable. (c)

- (d) Readings obtained from secondary meters shall not be used as a basis for billing water use, and the water utility will not subdivide any bill based on a primary meter reading.

(Code 1970, § 31-71; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-165. - Bills for multiple-metered premises.

- (a) Where water is supplied through two or more primary metered service connections to one premises, each connection shall have its own meter and thus its own account. The property owner shall receive a separate bill for each meter and the monthly service charge shall be in accordance to the meter size installed. With the exception of bypass meter accounts where one account can be combined to setup the primary meter and bypass accounts.

(Code 1970, § 31-72; Ord. No. 1988-391-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-166. - Catastrophic water loss.

- (a) To be considered for a billing adjustment due to catastrophic water loss, the customer shall submit a claim to a commission consisting of the water superintendent and the Finance director or their respective designees. In order to be considered for a reduction in the outstanding bill, the customer shall demonstrate that all of the following criteria are met:

- (1) A major plumbing problem within the residence, the cause of which was beyond the control of the resident.
- (2) Evidence, in the form of a paid bill from a registered plumber, must be submitted and approved by the water superintendent demonstrating that all necessary actions to correct the problem have been completed.
- (3) The amount of water used due to the leak must exceed the normal annual amount of water used at this address.
- (4) The account must be current with no outstanding balances or late charges due prior to the leak. If not current, account holder shall be allowed to immediately bring the account current in order to be considered for an adjustment.

- (b) If all of the criteria in subsection (a) have been met:

- (1) The bill for owner-occupied residential accounts or tenant-occupied residential accounts shall be adjusted by reducing the bill to the normal annual amount of the water bill for the customer and eliminating any overage from this amount. For all other accounts, any amount over the normal annual water usage shall be reduced by 50 percent.
- (2) Adjustments to the amount due from Rock River Water Reclamation District shall be at the discretion of that agency.
- (3) The amount of water used due to the leak must exceed the normal annual amount of water at this address.
- (4) The customer and address will be noted for reference in the event of a future claim. Only one adjustment for catastrophic water loss shall be allowed per customer.

(Code 1970, § 31-73; Ord. No. 1988-391-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Secs. 28-167—28-185. - Reserved.

DIVISION 6. - REVENUES AND RATES

Sec. 28-186. - Rates for regular service.

- (a) *Regular service.* Every bill for regular water service shall consist of two components, a service charge based on the size of water meter, and a consumption charge based on the amount of water registered by the primary meter.
 - (1) *Service charge.* There shall be a monthly service charge for each meter in an amount established by the city.
 - (2) *Consumption charge.* In addition to the monthly service charge there shall be a monthly consumption charge based on the amount of water taken at the rates established by the city.
- (b) *Service beyond City limits.* In order to recover the additional costs of providing service beyond the corporate limits, the service and consumption charges are doubled for properties outside of the City limits. Commercial properties outside the City limits have a nine percent surcharge added to all billing items.
- (c) *Paper bill fee.* There shall be a monthly service charge for each paper bill mailed in an amount established by the City. This section shall be effective on May 15, 2019.

(Code 1970, § 31-74; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 1989-249-O, 9-25-1989; Ord. No. 1990-345, 12-17-1990; Ord. No. 1992-44-O, 3-16-1992; Ord. No. 1993-194-O, 8-2-1993; Ord. No. 1994-111-O, 4-18-1994; Ord. No. 1996-10-O, 1-8-1996; Ord. No. 1997-139-O, §§ 1, 2, 7-7-1997; Ord. No. 1998-164-O, 7-27-1998; Ord. No. 1998-189-O, 8-17-1998; Ord. No. 2000-152-O, 8-28-2000; Ord. No. 2002-240-O, 9-9-2002; Ord. No. 2003-155-O, 9-2-2003; Ord. No. 2006-6-O, 1-9-2006; Ord. No. 2008-167-O, 9-15-2008; Ord. No. 2016-107-O, Att., 7-5-2016; Ord. No. 2019-43-O, Att., 3-4-2019)

Sec. 28-187. - Rates for fire service.

- (a) There shall be a quarterly charge for each fire protection service based on pipe capacity provided at the main corporation and extended to the property line; wherein ownership and jurisdiction are transferred from the city to the property owner. If a property owner chooses to not utilize the full capacity of the pipe and constrain their internal piping network by reducing, they do so on their own accord - granted they meet all code requirements - and as such shall be billed according to the service size tapped at the water main in the amount established by the city.
- (b) Fire service customers who do not also receive regular water service shall be charged at double rates.

(Code 1970, § 31-75; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-188. - Charges for standby service.

Commercial/industrial customers who have their own private water supplies, and who desire standby service through a cross-connection, shall be subject to the following:

- (1) The service connection to the City water supply shall be separated from the private water supply by an approved reduced pressure principle backflow preventer or a removed spool section of pipe.
- (2) The monthly service and consumption charges shall be double those provided in section 31-74.

(Code 1970, § 31-76; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-189. - Use of water for construction or special purposes.

Where water is to be used for construction, repair or remodeling, or for any other purpose of a temporary nature, it will only be provided in one of the following manners:

- (1) Through a temporary water meter installed for the purpose, subject to all the rules and regulations governing service and meters. The monthly service and consumption charges for water supplied in this manner shall be double those specified in section 31-74.
- (2) Through an existing water meter on the premises or, with the permission of the owner, from an adjacent property.
- (3) Where water cannot be obtained from any other source, a ball/gate valve, one-way flow or check valve, and a meter will be attached to a fire hydrant by the water utility, with the understanding that the same shall be immediately removed when required by the Fire Department. In no case shall anyone but an authorized agent of the water utility or of the Fire Department operate the hydrant main valve. In addition to double the monthly service and consumption charges specified in section 31-74 there shall be a charge for the maintenance of the fire hydrant.

(Code 1970, § 31-77; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 1991-322-O, 12-16-1991; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-190. - Resuming discontinued service.

- (a) In order to re-establish a property's water service that has been off for more than 30 days and was disconnected per the owner's request or for non-payment or violation of rules and regulations, the property owner shall be required to provide an identification and accurate contact information, pay all delinquent amounts in full plus the trip charge fee as established by the City.
- (b) The Water Superintendent or Finance Director may allow service to be restored to low income persons, qualified as such by the Human Services Department of the City using economic disadvantaged criteria and hardship guidelines. In some cases, there will be a good faith amount required to be paid to restore services or an agreement setting forth a schedule to retire the delinquent amount and requiring prompt payment of all current amounts. Failure to comply with the terms of the agreement shall result in service being discontinued, and it shall not be resumed except under the terms of subsection (a) above.

(Code 1970, § 31-78; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-191. - Payment by tenant or contract buyer of outstanding bills.

The tenant (s) or contract buyer (s) of a property, may continue or resume water services for which there is a delinquency in the payment of water rents, rates, or services, upon payment of all delinquent balances owed on the account including the trip charge fee. The Finance Department reserves the right to question or require additional information to establish relationship on the property. Owners are responsible for all charges accumulated while owning the property at all times whether they are living at the property, renting or selling it on contract.

(Code 1970, § 31-79; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-192. - Trip Charge fee.

Before water is turned on to any premises, for restoration of service discontinued for nonpayment of bills, or for violation of the rules and regulations in this chapter, said property owner shall pay a trip charge fee in the amount established by the City.

(Code 1970, § 31-80; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-193. - Revenue to be kept in waterworks fund.

All revenue derived from the sale of water shall be kept separate and apart by the Finance Director of the City from the other revenue of the City and the moneys shall be known as the waterworks fund.

(Code 1970, § 31-81; Ord. No. 1988-319-O, 7-11-1988)

Secs. 28-194—28-224. - Reserved.

DIVISION 7. - LIEN FOR CHARGES

Sec. 28-225. - Declared.

The City shall have a continuing lien upon the premises and real estate upon or for which water is used or supplied for all water rates, charges or benefits accruing by reason of the provisions of this chapter.

(Code 1970, § 31-100; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-226. - Statement of lien claim.

Whenever a bill for water rates, charges for benefits, remains unpaid 60 days after it has been rendered, the Water Superintendent, Finance Director or the designee of either shall be authorized to file with the recorder of deeds of the county, a statement of lien claim verified by the affidavit of himself or other officer of the City having knowledge of the facts. The statement shall contain a sufficiently correct description of the lot, lots or tracts of land to identify the same, the balance due after allowing all credits, and the date when such amount became delinquent, and a notice that the City claims a lien for this amount, as well as for all charges for water supplied subsequent to the period covered by the bill.

(Code 1970, § 31-101; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-227. - Effect of error in amount; water use by tenants.

No water lien shall be defeated to the proper amount thereof because of an error or overcharge on the part of the City, nor shall such lien be defeated upon proof that such water was used by a tenant of the premises or occupant thereof other than the owner. Owners are responsible for all charges accumulated by their tenants or occupants.

(Code 1970, § 31-102; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-228. - Release of lien, fees.

In order to obtain a release of lien for water charges filed by the City with the County Recorder, payment of the amount due as stated in the lien and payment of the release fee as established by the fee schedule shall be made to the City. The City shall then prepare and record the release of the lien.

(Code 1970, § 31-103; Ord. No. 2001-56-O, 3-12-2001)

Sec. 28-229. - Effect of failure to give notice.

The failure of the Water Superintendent to mail such notice or the failure of the owner of such premises to receive such notice shall not affect the right to foreclose the lien for unpaid water bills as provided in this article.

(Code 1970, § 31-104; Ord. No. 1988-319-O, 7-11-1988)

Sec. 28-230. - Foreclosure; enforcement.

(a) If payment is not made as provided in this chapter of any amount due for water rates, charges or benefits when the same become due, the City may file or cause to be filed a complaint in the circuit court of the County for a foreclosure of such lien or, upon becoming a defendant in any pending suit affecting the premises or real estate, by answer to the complaint in the nature of an intervening petition or by cross complaint, and the City may proceed in its corporate name to foreclose such lien in like manner and with like effect as provided by the statutes of the state in foreclosure of mortgages on real

estate. Any decree rendered in the court may be enforced and collected as other decrees of judgments in the same court.

- (b) The Water Superintendent is hereby authorized to institute such proceedings in the name of the City, in the circuit court of the County against any premises or real estate for which the water bill remains unpaid 60 days after it has been rendered.
- (c) The remedy provided in this section for the collection of delinquent water rates, charges or benefits shall not be construed to abridge or in any manner interfere with the right and power of the City to enforce a collection thereof by any other action or as otherwise provided in this chapter, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent water rates, charges or benefits.

(Code 1970, § 31-105; Ord. No. 1988-319-O, 7-11-1988; Ord. No. 2008-167-O, 9-15-2008)

Sec. 28-231. - Purchasers; persons interested in property required to notify the Customer Service Center of the Finance Department.

It shall be the duty of any person about to purchase any premises within the corporate limits of the City, or of any mortgagee, trustee or lien claimant holding any mortgage, trust deed or lien against any premises within the City, to first ascertain from the Finance Department of the City as to any delinquent water bill, tax, rate, rent or service that may have accrued or be against the premises, before purchasing the premises or instituting proceedings, foreclosing the mortgage, trust deed or lien and to notify the Customer Service Center of the intention of purchasing the property or foreclosing the mortgage, trust deed, or lien.

(Code 1970, § 31-106; Ord. No. 1988-319-O, 7-11-1988)

Secs. 28-232—28-275. - Reserved.