

ORDINANCE NUMBER: 2025-22

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE AMENDING TITLE VI,
CHAPTER 2 OF THE VILLAGE OF POPLAR GROVE CODE OF ORDINANCES
REGARDING BILLING, DISHONORED CHECKS AND RIGHT TO APPEAL**

WHEREAS, the Village of Poplar Grove, Illinois ("Village") has adopted a Village Code of Ordinances ("Code"); and

WHEREAS, Title VI of the Code governs Public Ways and Property; and

WHEREAS, Chapter 2 governs Combined Waterworks and Sewerage System; and

WHEREAS, the Village desires to amend Sections in Chapter 2 as set forth herein; and

WHEREAS, the Village has determined such amendments are in the best interest of the Village and its citizens.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. That the following sections of Title VI, Chapter 2, of the Village Code of Ordinances are amended to read as follows (deletions shown as strikethroughs and new language as **bold** and **underlined**):
3. That Section 6-2-4-2 of the Village Code of Ordinances entitled "Time of Payment; Liability" shall be amended to read as follows:
 - "A. Time of Payment. For the purpose of operation of the combined primary waterworks and sewerage system, the meters shall be read and calculated and invoiced on a monthly basis. All bills for service shall be rendered as of the first day of the month succeeding the period for which the service is billed, and shall be payable not later than the close of business on the 20th day of the same month. Immediately following due date, a late fee of ten percent of the amount of the bill shall be added thereto. In the event a payment is made, ~~but the~~ **any** remaining balance ~~is more than~~ **of \$ _____ 50.00 or greater, shall cause** a disconnection notice ~~shall~~ **to** be mailed to the service residence ~~around~~ **within** ten **(10)** days following the **payment** due date. Disputes regarding disconnection shall be submitted in accordance with Section **6-2-4-5** Right to Appeal.
 - B. Liability. The owners of the premises shall be primarily liable for payment of services on such premises. Every premises "service address" shall constitute a separate account. Every application for water and sewer services shall be signed by either the owner or the renter of the premises to be served. The owner of said property shall approve any application for water and sewer service of served premises."

4. That Section 6-2-4-3 of the Village Code of Ordinances entitled “Delinquent Payments; NSF Checks; Liens” shall be amended to read as follows:

- “A. Delinquent Payments. In the event charges for services are not paid by the (21st) day following rendition of the bill for service, such charges will be deemed and declared to be delinquent, and therefore late fee will be assessed.
- B. ~~NSF~~ **Dishonored** Checks. In the event a payment is ~~returned for insufficient fees,~~ **not honored and is returned to the Village for any reason,** account payments shall be reversed and appropriate ~~NSF~~ **dishonored check** fees applied. All processes regarding termination for non-payment will apply.
- C. Liens. In the event the charges for service are not paid according to [6-2-4-2](#), 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 service is supplied. A request for a payment plan for an overdue balance may be made to the Billing Clerk. For any account that is not paid in accordance with Section [6-2-4-4](#) herein, the Village Clerk is hereby authorized and directed to record a lien, sworn and subscribed in accordance with Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109), showing such delinquencies in the Office of the Recorder of Deeds of Boone County, Illinois, and the recording of such liens in such office shall be deemed constructive notice for the delinquent payment of such charges for such service.”

5. That Section 6-2-4-4 of the Village Code of Ordinances entitled “Termination of Service” shall be amended to read as follows:

- A. Non-payment. Timing of payments for service shall follow [6-2-4-2\(A\)](#). If **an** account remains unpaid by the end of the month ~~of \$ ____ 50.00~~ **or greater,** water services will be shut off and will result in a \$110.00 shut off fee, and service shall not be reinstated until all past due invoices are paid in full pursuant to [6-2-4-2\(A\)](#). A disconnection notice will be sent via regular mail prior to disconnection following the 21st day of the month. In the event that the b-box is damaged, such that the water services are unable to be shut off, the shut off fee will still be imposed.
- B. Other Termination of Service. If a water/sewer customer in good standing, or in the case of emergency, the owner of said property may request by application a turn-off or turn-on for a service fee of \$45.00 each.
- C. Sewer Only Customers. For sewer-only customers, if the rate or charges for such service are not paid according to [6-2-4-2\(A\)](#), the Village shall notify the owner of the property in writing that the bill for such service is past due, and late fees will be assessed. In the event the charges for service are not paid according to [6-2-4-2](#), 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 service is supplied. The Village Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the Office of the Recorder of Deeds of Boone County, Illinois, and the

filing of such statements in such office shall be deemed notice for the payment of such charges for such service.”

6. That Section 6-2-4-5 of the Village Code of Ordinances entitled “Right to Appeal” shall be amended to read as follows:

“A property owner may appeal water/sewerage fees and/or charges. Within 15 days of the date of the invoice or notice assessing the fee and/or charge, the property owner shall submit in writing to the Village Clerk a statement setting forth the property owner's basis for the appeal and the relief sought by the property owner. The Village Public Works Director, Village Treasurer and the Village President shall review the appeal and if a majority of them determines that a credit/waiver is warranted, they may authorize up to a \$250.00 credit/waiver of the water/sewerage fees and/or charges. The Village will notify the property owner of the Village Public Works Director's, Village Treasurer's and Village President's decision in writing. A credit pursuant to this section shall be granted no more than **two (2) times per calendar year** ~~over the life of the account.~~

If the property owner is not satisfied with the decision of the Village Public Works Director, Village Treasurer and Village President, the property owner may request a hearing before the **Village Board** ~~Committee of the Whole for Finance and Public Works~~. Such request for hearing shall be in writing and submitted to the Village Clerk within ~~7~~ **30** days of the date of decision by the Village Public Works Director, Village Treasurer and Village President. Any request for a hearing shall immediately place a stay on action for any disconnection of service for non-payment. **The Village Board shall issue a decision on an appeal under this section within 30 days of the filing of the appeal.**

A property owner subject to the penalties, including fines, fees and termination of service who is subject to extreme hardship which shall be defined as: personal illness or illness of an immediate family member, death of an immediate family member, destruction of the property subject to the penalties, that property owner may petition the Village Board for relief from the penalties by providing documentary proof of the hardship presented to the Village Clerk along with a written request for review by the Village Board describing the hardship. Such documentary proof and written request must be submitted to the Village Clerk within 15 days of the date of the invoice or notice assessing the fee and/or charge to the property owner. The Village Board shall issue a decision request for hardship within 30 days of the filing of the request and shall include the relief granted or extension of time to pay, if any.

7. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
8. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2025

AS FOLLOWS:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT, ABSTAIN, OTHER _____

APPROVED _____, 2025

ATTEST:

CLERK

PRESIDENT