

Village of Lincolnwood, IL
Friday, October 7, 2016

Chapter 12. Water and Sewers

Article 3. WATER METERS; RATES AND CHARGES

12-3-15. Delinquent accounts; lien claims; certificate of payment.

- (A) Delinquent accounts; lien claims. Whenever a bill for water service remains unpaid 35 days after it has been rendered, such bill shall be deemed delinquent and the Village Director of Finance may file with the Recorder of Deeds of Cook County a notice of lien claim in accordance with the form established by statute. This notice shall consist of a sworn statement setting out at least: (1) a description of the premises served; (2) the amount of the unpaid bill; (3) the date when such amount became delinquent; and (4) a notice that the Village claims a lien for the amount of the unpaid bill as well as for all charges for water consumed subsequent to the period covered by the bill. The Director of Finance shall mail a copy of such notice of lien claim to all persons signing the application for water service to such premises and to the owner of the premises if such owner did not join in the application.
- (B) Certificate of payment.
- (1) Purpose. The purpose of these rules and regulations is to establish a mechanism whereby the Village can recapture unpaid water service charges, plus outstanding penalties for delinquent payments, if any, and other monetary obligations owed to the Village from persons upon the sale or other transfer of real estate within the Village, and recoup the Village's costs and expenses in connection therewith.
- (2) Definitions. The following definitions shall apply to the interpretation and enforcement of these regulations:

BENEFICIAL INTEREST

Any interest, regardless of how small or minimal such interest may be, in a land trust, held by a trustee for the benefit of the beneficiaries of such land trust.

DEED

All documents transferring or reflecting the transfer of legal title, equitable title, or both legal title and equitable title to real estate, or the beneficial interest in a land trust.

OTHER MONETARY OBLIGATIONS

Unpaid alarm system bills, unpaid judgments, unpaid fines, unpaid variation bills, unpaid ambulance charges, and property maintenance charges, including, but not limited to, property cleanup costs for removing weeds, junk and other debris, and demolition of unsafe buildings.

RECORDATION

The recording of any deed or assignment of beneficial interest in a land trust with the office of the Recorder of Deeds of Cook County, Illinois.

(3) Responsibility for payment.

- (a) Any person who is supplied with water service by the Village shall be responsible for the payment of all charges registered by the water meter serving the real estate owned or otherwise controlled by that person; and any person who owes the Village other monetary obligations shall be responsible for the payment of all such other monetary obligations.
- (b) Upon the transfer of title or any interest therein to real estate located within the Village, as evidenced by the recordation of a deed, mortgage, trust deed or other conveyance by any person or by the delivery of any deed or assignment of interest of such property, whether vesting the person in control with the beneficial interest in or legal title to such property or merely the possession or use thereof for any purpose, or to secure future payment of money or the future transfer of any such property, the titleholder or person in control of such property shall immediately before the transfer notify the Village Director of Finance, or nominee, make application for, and secure a final reading of the water meter serving the property which is the subject of the transfer, and shall thereupon make full payment to the Village in the form of a cashier's or certified check for any and all water service charges then determined to be due, plus outstanding penalties for delinquent payments, if any, and for other monetary obligations owed to the Village.
- (c) Upon application to the Village Director of Finance, or nominee, and payment of all charges for water service, plus outstanding penalties for delinquent payments, if any, and other monetary obligations owed to the Village, a certificate of payment ("certificate of payment") shall be prepared within five business days from receipt of application, and issued by the Village Director of Finance, or nominee, to the titleholder of the property certifying that all water service charges, plus outstanding penalties for delinquent payments, if any, and other monetary obligations owed to the Village have been paid in full.

- (4) Constructive notice; right of foreclosure. Any person who shall accept a transfer of title to real estate or beneficial interest in a trust holding title to real estate located within the Village, who does not receive evidence of the payment of water service charges or other monetary obligations owed to the Village in the form of a certificate of payment, shall have constructive notice of the nonpayment of such water service charges and/or other monetary obligations owed to the Village, and such person shall thereupon become liable for any unpaid water service charges, including payment in full for all unpaid water service charges accrued up to and including the date of closing, and any other monetary obligations owed to the Village, and the property acquired by such person shall be subject to a lien for the amount of all unpaid water service charges, plus outstanding penalties for delinquent payments, if any, and/or any other monetary obligations owed to the Village. The Village shall have the right to foreclose on the lien in accordance with the laws applicable to foreclosures, and to include, in addition to the unpaid water service charges and any other monetary obligations owed to the Village, statutory interest, reasonable attorney fees and costs incurred as part of the foreclosure proceedings.

- (5) Fee. The Village shall charge a fee in an amount set forth in the Annual Fee Resolution for the preparation of a certificate of payment, payable upon issuance of the certificate of payment.^[1]

[1] *Editor's Note: See Ch. A25, Fees.*

- (6) Recordation. A certificate of payment must be filed for recordation along with the deed of conveyance or assignment of beneficial interest with the office of the Recorder of Deeds of Cook County, Illinois; provided, however, that no certificate of payment shall be required in connection with the conveyance or assignment of a condominium unit for which a condominium association pays the water charges imposed pursuant to this Article 3. A certificate of payment shall be invalid if issued more than 20 days prior to such recordation.