

**ORDINANCE NO. 2014-17**

**AN ORDINANCE AMENDING SECTION 74-66 OF CHAPTER 74, ARTICLE II, DIVISION 2  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS  
REGARDING THE RIGHT TO ENTER PREMISES**

WHEREAS, Section 74-66 of Chapter 74, Article II, Division 2 of the Village of Cherry Valley ("Village") Code of Ordinances provides Village representatives with the right to enter upon property to inspect and examine meters and ascertain the location of all hydrants, pipes, meter, or other fixtures attached to the waterworks system and the right to disconnect Village water service if such examination reveals that water is wasted on account of negligence or for want of repairs; and

WHEREAS, the Village Board now desires to amend Section 74-66 to modify the scope of the examination and to modify the procedure for disconnecting Village water service when such examination reveals that water is wasted on account of negligence or for want of repair; and

WHEREAS, the Village Board has determined it is in the best interest of the Village and its citizens to make such amendments.

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

SECTION 1: The above recitals are incorporated herein and made part hereof.

SECTION 2: Section 74-66 of the Village Code of Ordinances is hereby amended to read as follows:

"Sec. 74-66. - Right to Enter Premises.

The Village Director of Public Works, the designated engineer, the meter reader, and other Village assistants, agents and representatives shall have the right to enter and have free access at all reasonable hours to all premises to examine, repair and/or replace meters and back-flow prevention devices (e.g. "RPZ") and cross connection control devices, and ascertain the location of all hydrants, pipes, meter, or other fixtures attached to the waterworks system.

(a) If such person: 1) finds that water is being wasted or the integrity of the Village Water System is being compromised in any way, on account of the negligence of the customer, occupant or owner of the premises or for want of repairs or failure to install any state or federal required equipment and if such actions are not remedied by the customer, occupant or owner of the premises within the timeframe specified by the Village; or 2) is denied access to make such examination, repairs or replacements; then service

leading to such premises shall be disconnected from the Village Water System after due notice is given pursuant to the procedure set forth below.

- (1) Prior to disconnecting water service to the premises, the Public Works Director or designee, upon direction from the Village President, shall send written notice to the customer, the owner of the premises, as well as to any occupant of the premises, that the water service will be disconnected if 1) the Village is not given access to premises, or 2) if the actions causing water to be wasted or causing the Village Water system to be compromised are not remedied; within ten days from the date of the notice. Such notice shall include the date of disconnection. The disconnection date shall not occur until at least 10 calendar days after date of the notice.
- (2) Such written notice shall be sent certified mail or may be delivered in person by a Village representative. If delivered in person, such disconnection notice may be left with a person over the age of 14. If mailed, such disconnection notice shall be mailed separately from the customary water bill and the Village shall maintain an affidavit of mailing signed by such Village employee/representative who made the mailing.
- (3) Upon receipt of a notice of disconnection, the owner of the premises, occupant and/or customer shall have the right to contest the termination of service. If the owner of the premises, occupant and/or customer desires to contest the termination of service, it must provide the Village Public Works Director with written notice of their desire to contest the termination of service within 10 calendar days of the date of the disconnection notice. The Village Public Works Director shall then forward such request to contest the termination of service to the Village Board of Trustees.

The Village Board of Trustees shall then conduct a hearing to consider and render a decision on the contest at any scheduled meeting of the Village Board of Trustees. Notice of this hearing date shall be mailed by certified mail, return receipt requested, to the owner of the premises, the local health department and the customer. If the Village Board of Trustees determines that disconnection is warranted, it shall specify in its decision the date of disconnection unless the Village is given access to premises, or 2) the actions causing water to be wasted or causing the Village Water system to be compromised are remedied, prior to the date of disconnection.

- (4) In addition to the other notices required under this Section, if, on the business day prior to the scheduled disconnection the Village has not been given access to premises, or 2) the actions causing water to be

wasted or causing the Village Water system to be compromised have not been remedied, a Village representative shall attempt to contact the property owner, occupant and customer by telephone, e-mail or in person to announce the disconnection on the following business day. In the event the property owner, occupant or customer cannot be contacted, the Village shall leave a notice at the premises by means of a door sticker that water service will be disconnected the next business day if the Village has not been given access to premises, or 2) the actions causing water to be wasted or causing the Village Water system to be compromised have not been remedied prior to disconnection.

- (5) On the day of the scheduled disconnection, upon arriving at the premises, the Village Public Works employees making the disconnection shall attempt to contact the occupant of the premises at the premises.
- (6) The Village Public Works Department shall not disconnect water service at the meter after 12:00 p.m. unless they are able to reconnect the same day at the standard reconnection charge. The Village Public Works Department shall not disconnect any water service on a holiday or weekend unless they are prepared to reconnect on that holiday or weekend day.
- (b) The fee for reconnecting water which has been disconnected pursuant to this Section shall be \$50.00.
- (c) All reconnections to the Village Water System shall occur between 8:00 a.m. and 3:00 p.m. Monday through Friday. The customer, owner of the premises and/or occupant shall be charged and shall pay three times the normal connection fee stated in subsection (b) above should the reconnection occur at a time other than between 8:00 a.m. and 3:00 p.m. Monday through Friday.
- (d) Any payments made pursuant to this Section shall be in cash, by money order, credit cards or certified funds.”

SECTION 4: Except as amended in this Ordinance, all other ordinances of the Village shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: GARY MAITLAND

BY ROLL CALL VOTE THIS 2<sup>ND</sup> DAY OF SEPTEMBER, 2014

AS FOLLOWS:

VOTING "AYE": STEPHEN APPELL, NANCY BELT, SALLY HOLLEMBEAK,  
JOANN HUDSON, GARY MAITLAND AND DAVID SCHROEDER

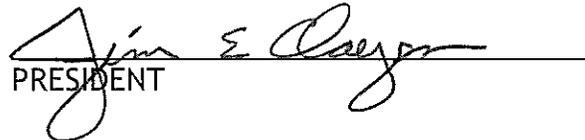
VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: NONE

ATTEST:

APPROVED SEPTEMBER 2, 2014

  
CLERK

  
PRESIDENT