

ORDINANCE NO. 2014-18

AN ORDINANCE AMENDING SECTION 74-134 OF CHAPTER 74, ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS REGARDING THE DISCONNECTION OF VILLAGE WATER SERVICE

WHEREAS, Section 74-134 of Chapter 74, Article II, Division 4 of the Village of Cherry Valley ("Village") Code of Ordinances provides for the disconnection of Village water service when there is a default in payment of a Village water bill; and

WHEREAS, the Village Board now desires to amend Section 74-134 to modify the procedure for disconnecting Village water service when there is a default in payment of a Village water bill; 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 74-134 of the Village Code of Ordinances is hereby amended to read as follows:

"Sec. 74-134. - Default in payment; water to be disconnected; payments for reconnection.

(a) In all cases where default exists in payment for water furnished by the Village for ten days after the due date on the water bill, the Village Treasurer shall send a disconnection notice to the defaulting party pursuant to subparagraphs (1) through (6) below, and if the default continues, disconnect the water to the premises for which the default occurs. The water shall not again be turned on or furnished to any person in or upon such premises until all arrearages, fines, costs of all suits and proceedings including attorney's fees, and the turn-on fee established by subsection (b) of this section have been paid in full.

If at least ten days after the date a water bill is due, such bill remains unpaid, the Village may take the following steps to disconnect the water service to the subject premises:

(1) Prior to disconnecting water service to the premises, the Village Treasurer or designee shall send written notice to the customer upon direction of the Village President to the owner of the premises, as well as to any occupant of the premises, that the water service will be disconnected if the delinquent bill is not paid 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 to all parties listed in subparagraph (1) above. 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.
- (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 customer, and the local health department. If the Village Board of Trustees determines that disconnection is warranted, it shall specify in its decision the date of disconnection unless any and all amounts owed pursuant to this Section 74-134 are paid 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 delinquent water bill remains unpaid, 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 delinquent water bill along with any associated fines, fees and costs are not paid 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 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 subsection (a) of 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

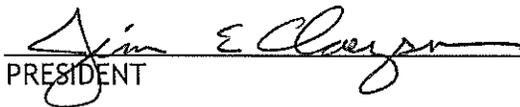
VOTING “NAY”: NONE

ABSENT, ABSTAIN, OTHER: NONE

ATTEST:

APPROVED SEPTEMBER 2, 2014

  
CLERK

  
PRESIDENT