

ORDINANCE NO. 2014 - 26

AN ORDINANCE AMENDING ARTICLE NINE OF THE VILLAGE CODE OF THE VILLAGE OF PECATONICA, ILLINOIS

WHEREAS, the Village of Pecatonica provides municipal water services to its residents; and

WHEREAS, the Village Board of Trustees has previously adopted rules and regulations for the application, access, use, payment and termination of said services through its police powers and has promulgated said rules and regulations under Article Nine, "Water", of the Village Code of the Village of Pecatonica; and

WHEREAS, the Village Board of Trustees had determined that it is in the best interests of the residents of the Village to amend said Article to enhance billing and notice requirements as stated therein.

NOW, BE IT ORDAINED, by the President and Board of Trustees of the Village of Pecatonica, Illinois.

Section 1. Article Nine, Chapter One, "Definitions", is hereby amended to change Subparagraph D to read as follows:

D. Owner: where used herein, means the owner of record of the property to be supplied with water service.

Section 2. Article Nine, Chapter One, "Definitions", is hereby amended to add Subparagraph K, which shall read as follows:

K. Customer: where used herein, means the actual party receiving and using the water services.

Section 3. Article Nine, Chapter Two, "Intent and Purpose", Subparagraphs A(2), A(3), A(4), and A(5), are hereby amended as follows:

2. Delete the text "to customers".
3. Delete the text "to customers" and "to that customer".
4. Add the text "and owners" after the text "provide customers".
5. Delete the text "sent to customers".

Section 4. Article Nine, Chapter Two, "Intent and Purpose", Subparagraph B, is hereby amended to add the text "owners and" between the text "services supplied to" and "customers".

Section 5. Article Nine, Chapter Two, "Intent and Purpose", Subparagraph C, is hereby amended as follows:

C. Water Bills: A water bill shall be mailed to every owner whose property is receiving water services and the customer, if different, as outlined in this Article.

The rest of Subparagraph C shall remain in full force and effect.

Section 6. Article Nine, Chapter Three, Section 1, "Application for Service", Subparagraph A, is hereby amended to read as follows:

A. Any owner desiring water service shall make application with the Clerk's Office at the Village Hall, using the forms provided. Only owners may apply for water service and the service shall be maintained in the owner's name.

Section 7. Article Nine, Chapter Three, Section 2, Subparagraph A(2), "Application Fees and Meter Deposits", is hereby amended as follows:

Delete the text "a Water Customer" and replace same with "an owner"; delete the text "Customers" and "Customer" and replace same with "Owner's" and "Owner" respectively.

Section 8. Article Nine, Chapter Four, Section 1, "Connections Inside Village Limits", Subparagraph B and B(4), are hereby amended as follows:

B. Exceptions: The Village Board may, in its discretion, allow connection to the Village Water System by an owner located outside the corporate limits of the Village under the following conditions:

4. Delete the text "user" and replace same with the text "owner or customer".

Section 9. Article Nine, Chapter Six, Subparagraph F(1), "Testing of meter", is hereby amended to add the text "and owner's" between the text "in the customer's" and the text "presence".

Section 10. Article Nine, Chapter Six, Subparagraph G(2), "Failure of meter", is hereby amended to add the text "and owner" between the text either the customer" and "or the Village".

Section 11. Article Nine, Chapter Seven, "Protection of Water Department Property", Subparagraphs (A), (D), and (E), are hereby amended as follows:

A. Delete the text "customer's" and replace same with the text "owner's".

D. Delete the text "or customer".

E. Delete the text "or customer".

Section 12. Article Nine, Chapter Nine, "Discontinuing of Service for Repairs", Subparagraph C, is hereby amended to delete the text "customer's" and replace same with the text "owner's".

Section 13. Article Nine, Chapter Fifteen, Subparagraphs E(1), “Corrections and Protective Devices”, and K, “Prohibition”, are hereby amended to delete the text “user” and replace same with the text “owner or customer”.

Section 14. Article Nine, Chapter Twenty, Section 1, “Billing Procedure”, Subparagraphs A and B, are hereby amended to read as follows:

A. All water bills shall be in the name of the owner and shall be paid on or before the due date noted on the water bill. Where not currently in the name of the owner, every such owner shall immediately notify the Village Clerk of his/her/its name and current mailing address and other contact information as required by the Village. Failure to promptly provide such information to the Clerk shall not be a defense to water liens or shut-off procedures or fees to shut-off or turn the service back on in case of shut-off. Where the owner is not the customer, the owner shall provide the names of customers to the Village Clerk and shall have an affirmative duty to immediately update said information when necessary.

B. Delete the text “customer’s” and “customer” and replace same with the text “owner’s” and “owner” respectively.

Section 15. Article Nine, Chapter Twenty, Section 2, “Delinquency Procedure”, Subparagraphs C and D are amended as follows:

C. Add the text “owner and” between the text “sent giving the “and the text “customer”.

D. Delete the text “customer” and replace same with the text “owner”.

Section 16. Article Nine, Chapter Twenty, Section 3, “Person Responsible for Payment”, Subparagraphs A and B, are hereby amended as follows:

A. Delete the text “the occupant thereof, the tenant thereof, or the user” and replacing same with the text “or the customer”.

B. Delete the text “occupant or user or tenant” and replacing same with the text “customer”.

Section 17. Article Nine, Chapter Twenty, Subparagraph D(1), “Notification of lien”, is hereby amended to delete the text “user” and replace same with the text “customer”.

Section 18. Article Nine, Chapter Twenty, Subparagraph I, is hereby amended to read as follows:

I. No water lien shall be defeated to the proper amount thereof because of an error or overcharge on the part of the Village, nor shall any such lien be defeated upon proof that such water was used or contracted for by a customer of the premises thereof other than the owner.

Section 19. Article Nine, Chapter Twenty-One, "Customer Billing and/or Violation Appeals Procedure", Subparagraphs A through C, E and F, are hereby amended by inserting the text "owners or" or "owner's or" or "customer" before the text "customers" or "customer's" or "customer" as appropriate in the above subparagraphs of the Chapter.

Section 20. Article Nine, Chapter Twenty-Two, Section 1, "Requested Turn Off/On or Disconnect/Re-Connect", Subparagraphs A, C, and D, are hereby amended as follows:

A. Insert the text "an" between the text "period of time" and the text "application" and insert the text "made by the owner" between the text "application" and "shall be made to".

C. Delete the text "customer" and replace same with the text "owner".

C(2). Delete the text "customer" and replace same with the text "owner".

D. Insert the text "an" between the text "water system then" and the text "application shall be made" and insert the text "by the owner" immediately after the text "application shall be made".

D(2). Delete the text "customer" and replace same with the text "owner".

Section 21. Article Nine, Chapter Twenty-Two, Section 2, "Termination due to Delinquency or Violation of this Article", Subparagraphs 2(B) and 2(D) are hereby amended as follows:

B. Insert the text "owner and" between the text "or personally serve upon the" and the text "customer a notice of termination".

D. Insert the text "owner or" between the text "corrected the violation for such notice or the" and the text "customer has not notified the Clerk that he disputes the correctness of the notice".

Section 22. Article Nine, Chapter Twenty-Two, Section 3, "Limitations on Termination of Water Service", Subparagraph C(1) is hereby amended to read as follows:

C(1) The name of the customer and owner.

Section 23. Article Nine, Chapter Twenty-Two, Section 4, "Reinstatement of Water Services", Subparagraph A(3), is hereby amended to delete the text "customer" and replace the same with the text "owner".

Section 24. This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the President and Board of Trustees of the Village of Pecatonica this ____ day of _____. 2014.

APPROVED by the President of the Village of Pecatonica, Illinois, this ____ day of _____, 2014.

BY: _____
DANIEL BARBER, Village President
Village of Pecatonica, Illinois

ATTEST:

CARA WARKENTIEN, Village Clerk
Village of Pecatonica, Illinois