

**AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 7, SECTION 7.19, RELATING TO WATER BILLING AND TERMINATION OF WATER SERVICE FOR THE CITY OF DEKALB**

**WHEREAS**, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

**WHEREAS**, the Corporate Authorities of the City have heretofore created a set of ordinances governing the City's public water supply system and the method of billing for City water service; and,

**WHEREAS**, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the utilization of such policies, and in particular that the public interest is served through the adoption of certain updates to the policies, as provided below; and,

**WHEREAS**, in order to effectuate such policies, the Council has determined that it is appropriate to amend the City Code as outlined below;

**THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

**Section 1.** That the Municipal Code of the City of DeKalb, Chapter 7, Section 7.19 be amended as follows:

**7.19 PROCEDURES FOR BILLING AND TERMINATION OF SERVICE.**

a) All property owners, where water is consumed, shall be billed every three (3) months according to routes set by the Director of Public Works. Bills for any given route shall be issued by the first day of the month in which utility bills become due. Payment is due on or before the twenty-first (21<sup>st</sup>) day of that month. Bills not paid by the twenty-first (21<sup>st</sup>) day of the month shall be deemed delinquent and an additional charge of fifteen per cent (15%) shall be added to the bill. Thereafter, a delinquency notice shall be sent to the property owner via first class mail and the notice shall state the dates for which utility services were furnished and the amount presently due, including all additional charges.

b) If the customer fails to pay the full amount of any and all unpaid charges and fees within ten (10) days after date of delinquency/termination notice, the customer will be assessed a One Hundred Dollar (\$100.00) penalty and water service will be terminated.

- c) The delinquency/termination notice shall inform the customer of the following:
1. The total amount of any unpaid charges, including the amount of the original bill for utility services and the 15% delinquent fee.
  2. The date and time by which the unpaid charges must be paid.
  3. That a penalty in the amount of One Hundred Dollars (\$100.00) will be assessed if all charges are not paid in full by the stated date.
  4. That water service termination shall commence after ten (10) days from the date of the delinquency/termination notice.
  5. The procedure for obtaining a review of charges for utility services.
- d) A customer may obtain a review of charges for water service as follows:
1. By submitting a written request to the Water Billing Division requesting an adjustment conference within seven (7) days of the date of the notice.
  2. An adjustment conference shall be held not less than three (3) days nor more than ten (10) days after receiving written notice from the customer requesting the conference.
  3. If within seven (7) days of the date of the termination notice, the customer has not either given written notice requesting an adjustment conference or paid the full amount of the unpaid bill, it shall be deemed that he has waived the right to the adjustment conference, and the unpaid amount of the bill shall be due immediately, including all additional penalties and charges as described above. (96-63)
- e) After a review of the unpaid bill at the adjustment conference, the Finance Director shall determine the amount due and shall inform the customer of his decision in writing via first class mail within three (3) business days. Unless other arrangements for payment are made with the Finance Director, the amount due shall be paid within seven (7) days. If the customer fails to make any payments when due, the water service shall thereupon be subject to being terminated immediately without further notice, until all payments then due are made. The Finance Director shall have full authority to make binding agreements concerning amounts due, if any, and may agree to payment and any other terms which he deems to be in the best interests of the City.
- f) If the customer fails either to give written notice requesting an adjustment conference or to pay the full amount of the unpaid bill within the prescribed time period, such customer's service shall be subject to termination.
- g) After the customer's service has been terminated, a notice shall be posted on the building declaring it as unfit for human occupancy as defined in the International

Property Maintenance Code Section 108.1.3 as adopted by Chapter 13 of this Code.

- h) Any customer whose water service is terminated pursuant to this Section 7.19, may have the service restored by paying all amounts shown due on the termination notice.
- i) The Finance Director may designate others within his department to exercise powers and perform functions in this Section 7.19.
- j) The additional late charge of 15% as required in 7.19 (a) above shall not be assessed to property tax levy supported units of local government, state agencies and Northern Illinois University.
- k) Liens may be recorded against all properties where the water service has been terminated in accordance with the procedures set forth in Section 7.15.
- l) When work is performed by the City in terminating service for nonpayment of a bill, the City will not restore landscaping.
- m) The City assumes no responsibility for damages that may occur as the result of the customer's water being terminated.
- n) Failure to receive any notice regarding delinquent bills or termination of service does not exempt the customer from termination of service.

**Section 2.** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

**Section 3.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 4.** This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: October 10, 2012. Effective date: October 20, 2012. FIRST READING: SEPTEMBER 24, 2012

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 8<sup>th</sup> day of October, 2012 and approved by me as Mayor on the same day. First reading held on September 24, 2012. Second reading on October 8, 2012, and passed on a roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, Povlsen. Absent: O'Leary.

**ATTEST:**

  
**DIANE K. WRIGHT**, City Clerk



  
**KRIS POVLSSEN**, Mayor