

ORDINANCE NO. CO-2016-01

ORIGINAL

AN ORDINANCE AMENDING SECTION 51.03 (BILLS FOR SERVICE, LIABILITY OF CUSTOMER) OF CHAPTER 51 (WATER AND SEWER SERVICE) OF TITLE V (PUBLIC WORKS) OF THE MAYWOOD VILLAGE CODE RELATIVE TO WATER BILLING DELINQUENCIES

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, within its corporate boundaries, the Village operates and maintains a water distribution system for the purpose of supplying potable water to its residents, businesses and property owners. The Village's water distribution system operates as an enterprise fund, which means it uses the revenues collected from the water rate fee and other related fees and charges to operate and maintain the water distribution system and does not use general fund monies from the corporate property tax levy for such purposes; and

WHEREAS, Section 51.03 (Bills for Service, Liability of Customer) of the Maywood Village Code currently imposes joint and several water bill liability on owners of premises, occupants of premises, and users of water service; and

WHEREAS, the Village President and Board of Trustees have determined that making certain code amendments (the "Code Amendments") to provide delinquency notices to additional parties and to provide additional payment options in such notices will result in increased collection rates and that such Code Amendments are in the best interests of the Village, its water distribution system and its residents, businesses and property owners; and

WHEREAS, pursuant to the authority granted under the Illinois Compiled Statutes (5 ILCS 5/11-129-1 *et seq.*), and in accordance with the home rule authority granted to home rule municipalities as defined by Article VII, § 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood approve the Code Amendments as set forth below.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Subsection (C) of Section 51.03 (Bills For Service, Liability Of Customer), Chapter 51 (Water and Sewer Service), Title V (Public Works) of the Maywood Village Code, as amended, shall be further amended to read in its entirety as follows:

“(C) In the event that charges for service to premises are deemed to be delinquent under division (B) of this section, the Village shall have the right to shut off in whole or in part the water supply to such premises. Prior to disconnection of water service for non-payment of water charges, the Water Administrator shall cause a notice to be sent to the occupants of the premises and to the person to whom the water bill for the premises is sent. Courtesy copies of the notice will also be sent to the owner of record, mortgage company, taxpayer of record and/or management company of the premises where the account is located, if different than the occupants of the premises and/or person to whom the water bill for the premises is sent, based on information ascertained from County records and the Village’s account and landlord registration records. Failure to send courtesy copies of the notice or non-receipt of said notice shall not be a defense to the obligation of any responsible party to pay the outstanding charges. The notice shall specify the outstanding overdue balance of charges, and provide options to pay the outstanding balance, to pay a percentage of the outstanding overdue balance of charges and enter into a payment plan with the Village, or to request a hearing to be held by a hearing officer or the Water Administrator or an appointee appointed by the Village Manager, at which hearing said requesting party may show cause as to why the water service to the premises should not be disconnected for non-payment of the delinquent charges. The notice shall be entitled “Notice of Options and Right to Request a Hearing as to Whether Water Service Should be Shut Off for Non-Payment of Bills” and shall be mailed or delivered personally to the various parties. In addition, where the premises are a multi-family dwelling, the notice shall be posted in a conspicuous place upon or near the premises.

Any recipient of such a notice or resident of a multi-family dwelling where such a notice is posted may request a payment plan or a hearing at which they may show cause as to why the water service to the premises should not be disconnected for nonpayment of the delinquent charges. If such notice as is required by this subsection is served by personal delivery, then a request for a payment plan or a hearing must be made to the office of the Water Department on a form to be provided by the Water Department within 72 hours of the date such notice was delivered. If such notice as is required by this subsection is served by mail, then a request for a payment plan or a hearing must be made to the Water Department within 5 days of mailing of such notice. Water service shall not be disconnected to any premises if a payment plan is entered into and its terms followed, or until after any hearing requested under this subsection is held as provided for in this subsection. If no request for a payment plan or a hearing is submitted within the time periods established herein, the Village shall have the right to shut off in whole or in part the water supply to the premises listed in said notices.”

SECTION 3. All tables of contents, indexes, and internal references or cross-references to sections that need to be amended or deleted as a consequence of the above Code Amendments shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

ADOPTED this 2nd day of February, 2016, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkin, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers and R. Rivers.

NAYS: None

ABSENT: Trustee M. Lightford

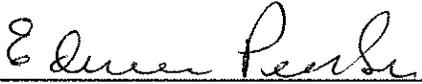
APPROVED by me this 4th day of February, 2016, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

Published by me in pamphlet form this 4th day of February, 2016.



VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the annexed and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2016-01

AN ORDINANCE AMENDING SECTION 51.03 (BILLS FOR SERVICE, LIABILITY OF CUSTOMER) OF CHAPTER 51 (WATER AND SEWER SERVICE) OF TITLE V (PUBLIC WORKS) OF THE MAYWOOD VILLAGE CODE RELATIVE TO WATER BILLING DELINQUENCIES

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 2nd day of February, 2016, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 4th day of February, 2016.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Edwenna Perkin, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers and R. Rivers.

NAYS: None

ABSENT: Trustee M. Lightford

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 4th day of February, 2016.

[SEAL]





Village Clerk