

ORDINANCE NO. 2015-2142

**AN ORDINANCE AMENDING THE WESTCHESTER MUNICIPAL CODE
REGARDING THE BILLING AND PAYMENT PROCEDURES FOR WATER
SERVICE WITHIN THE VILLAGE OF WESTCHESTER**

WHEREAS, Section 2.60.140, entitled “Billing – Division of Village, Calendar Years and Users – Rates – Terms of Payment – Water Shutoff,” of Chapter 2.60, entitled "Water Department," of Title 2, entitled “Administration and Personnel,” establishes the water rates and billing procedures for water service in the Village of Westchester; and

WHEREAS, the corporate authorities of the Village of Westchester deem it in the best interest of the Village to amend Section 2.60.140 in order to increase the water rates to be charged in the Village to offset the increase in water rates adopted by the City of Chicago and to amend the billing procedure from quarterly billing to monthly billing; and

WHEREAS, the corporate authorities find it advisable, necessary and in the best interest of the public to amend Chapter 15.44, entitled “Water, Sewer and Rubbish Bills” of Title 15, entitled “Water and Sewers”, of the Westchester Municipal Code in order to update the procedures for the notice of a delinquent water service account, the request of a hardship hearing and the termination of water services.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Westchester, Cook County, Illinois, as follows:

Section 1. Section 2.60.140, entitled “Billing – Division of Village, Calendar Years and Users – Rates – Terms of Payment – Water Shutoff,” of Chapter 2.60, entitled "Water Department," of Title 2, entitled “Administration and Personnel,” of the Westchester Municipal Code are hereby amended as follows:

2.60.140 – Billing – Rates – Terms of Payment – Penalty – Water Shutoff.

- (a) Users of water are divided into four classes, designated as follows:
 - (1) Class 1 – Domestic users;
 - (2) Class 2 – Commercial users;
 - (3) Class 3 – Users of water not passing through mains within the Village limits;
 - (4) Class 4 – All other users.

- (b) Water supplied to any premises within the Village limits occupied by a Class 1 user, during any month or part thereof shall be charged and billed as follows:
 - (1) The rate shall be eight dollars and thirty-five cents (\$8.35) per thousand gallons;
 - (2) Where the charge for any month for water supplied to any premises at the rate specified in subsection (b) (1) of this subsection would be less than twenty-five dollars and five cents (\$25.05), then in lieu of said charge there shall be paid a minimum charge of twenty-five dollars and five cents (\$25.05) for such month;
 - (3) Bills to Class 1 users shall be rendered at the close of each month, or as soon thereafter as may be practicable;
 - (4) If all charges for water consumed on any premises during any month are not paid within twenty-one (21) days after the bill therefore is rendered, a penalty of ten (10%) percent shall be payable upon the amount of such bill.
 - (5) If a Class 1 user opts out of the radio read installation program, a monthly fee of forty dollars (\$40.00) shall be assessed to the user's water service account, in order to cover the cost to manually read the meter each month.

- (c) Water supplied to any premises within the Village limits occupied by a Class 2 user, during any month or part thereof shall be charged and billed as follows:
 - (1) The rate shall be eight dollars and thirty-five cents (\$8.35) per thousand gallons;
 - (2) Where the charge for any month for water supplied to any premises at the rate specified in subsection (c) (1) of this subsection would be less than

twenty-five dollars and five cents (\$25.05), then in lieu of said charge there shall be paid a minimum charge of twenty-five dollars and five cents (\$25.05) for such month;

- (3) Bills to Class 2 users shall be rendered at the close of each month, or as soon thereafter as may be practicable;
 - (4) If all charges for water consumed on any premises during any month are not paid within fifteen (15) days after the bill therefore is rendered, a penalty of ten (10%) percent shall be payable upon the amount of such bill.
 - (5) If a Class 2 user opts out of the radio read installation program, a monthly fee of forty dollars (\$40.00) shall be assessed to the user's water service account, in order to cover the cost to manually read the meter each month.
- (d) Contracts shall be made with Class 3 users from time to time upon such terms and conditions as may be approved by the Board of Trustees of the Village of Westchester and by the Board of Trustees of the Village of Broadview and the joint commission known as the Westchester-Broadview joint water commission.
 - (e) Class 4 users shall pay such rates and upon such terms of payment as may be fixed by the board of trustees from time to time as each application is submitted and authorized, but in no event at a rate less than two dollars and eighty cents per thousand gallons.
 - (f) In case any user orders the supply of water discontinued, meters shall read at the date the water is shut off and the bill rendered as soon thereafter as may be practicable.
 - (g) Supply of water may be discontinued for failure of the user to comply with provisions of this Chapter, or with terms and provisions of any contract entered into providing for the supply of water to such user.

Section 2. Section 15.44.020, entitled "Delinquent Notice", of Chapter 15.44, entitled "Water, Sewer and Rubbish Bills", of Title 15, entitled "Water and Sewers", of the Westchester Municipal Code is hereby deleted in its entirety.

Section 3. Section 15.44.030, entitled "Delinquent payments, termination of service", of Chapter 15.44, entitled "Water, Sewer and Rubbish Bills", of Title 15, entitled "Water and Sewers", of the Westchester Municipal Code is hereby amended as follows:

15.44.030 – Delinquent payments, termination of service.

- (a) In the event the charges for water services are not paid within 30 days of the due date, a notice of shut-off shall be placed at the subject location. The notice shall indicate that the delinquency exists and that the account must be brought to a zero balance in order to prevent termination of water services. In the event full payment is not made by the date set forth in the notice of shut-off, the Village Manager or Finance Director shall cause a discontinuance of water services.
- (b) At least one day before the date of shutoff, an additional notice shall be delivered to the resident and/or business owner and posted at the subject location. This notice shall contain the following information:
 - (1) The balance due, including any late payment charges;
 - (2) The date by which payment or other action must be made to avoid shutoff;
 - (3) The amount of the charge for resumption of water service.
- (c) The Cook County Board of Health shall be notified that the water has been turned off and there is no longer water service.
- (d) Where applicable, if the building or establishment is one which prepares and/or serves food or related items, the Village of Westchester sanitarian or health inspector shall be immediately notified of the water service shutoff.
- (e) Upon termination or resumption of water service, the resident and/or business owner shall be assessed a service fee of seventy-five dollars (\$75.00).
- (f) Prior to becoming 30 days delinquent, a resident may request a hardship hearing. If no request for hearing is made as herein provided, water service may thereafter be discontinued. No water service shall be discontinued on a holiday or weekend. If a hearing is requested, water service shall be continued pending the outcome of the hearing. The hearing shall be convened no later than the next available docket.
- (g) Nothing in this section shall be construed to prevent discontinuation of water service for reasons of safety, health or cooperation with other civil authorities.

Section 4. Section 15.44.060, entitled “Hardship Hearing”, of Chapter 15.44, entitled “Water, Sewer and Rubbish Bills”, of Title 15, entitled “Water and Sewers”, of the Westchester Municipal Code is hereby amended as follows:

15.44.060 – Hardship Hearing.

(a) All hardship hearings shall be conducted by the Village Attorney. No elected officials shall be permitted to participate in the hardship hearing or bill collection process in any manner whatsoever.

(b) The determination of the Village Attorney shall be as follows:

(1) That no hardship exists for the resident and/or business owner excusing nonpayment of the bill and the bill must be paid in full to facilitate restoration of water service, along with all costs and expenses, including attorney fees; or

That a hardship exists for the resident and/or business owner, and therefore a promissory note must be signed setting forth specific installment payments along with respective service charges and costs. Additionally, an agreement must be made between the resident and/or business owner and the Village promising that any current and future bills will be paid in a timely and non-delinquent fashion.

(2) In cases of severe hardship, illnesses or other unforeseen conditions, a lien may be placed upon the property and another hearing shall be held within ninety days of the initial hearing, however, in addition an agreement between the resident and/or business owner and the Village must be made promising that current bills and future will be paid in a timely and non-delinquent fashion.

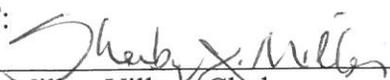
Section 5. This Ordinance shall be in full force and effect upon its approval, passage and publication as provided by law.

ADOPTED this 24th day of November, 2015, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u>Aye</u>	Celestine Reda	<u>Aye</u>
Carl C. Celestino	<u>Aye</u>	Nick Steker	<u>Aye</u>
Frank Perry	<u>Aye</u>	Tom Yurkovich	<u>Aye</u>
		President Pulia	<u>Aye</u>

APPROVED this 24th day of November, 2015.


Sam D. Pulia, Village President

ATTEST:

Sherby J. Miller, Village Clerk