ORDINANCE NO. 2016-2188

AN ORDINANCE AMENDING CHAPTER 2.60, ENTITLED "WATER DEPARTMENT", OF THE WESTCHESTER MUNICIPAL CODE

WHEREAS, the corporate authorities of the Village of Westchester ("Village") deem it in the best interest of the Village to amend Chapter 2.60, entitled "Water Department", of the Westchester Municipal Code by amending Section 2.60.250, entitled "Meters – Use requirements", in order to prohibit tampering with water meters and knowingly possessing a meter that has been tampered with and by adding thereto Section 2.60.320, entitled "Penalty" in order to impose a fine for tampering with water meters within the Village.

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 2.60.250, entitled "Meters – Use requirements" of Chapter 2.60, entitled "Water Department," of Title 2, entitled "Administration and Personnel," of the Westchester Municipal Code are hereby amended as follows:

2.60.250 – Meters – Use requirements.

(a) All water consumers supplied by the Village of Westchester shall be supplied through meters only, and shall pay for the water at the rates and in the manner hereinabove specified.

(b) All meters must be purchased through the Village of Westchester. The Village of Westchester shall in all cases determine the kind and pattern of meters to be adopted. No other kind shall be installed or used.

(c) All meters shall be placed in the basement of buildings where service pipes enter the same so as to afford easy access for examining and reading. Where there is no basement the meter shall be placed in a tile or concrete box inside the curbline not more than one foot distance from the service cock. The box must be so constructed as to amply protect the meter against frost, and must be easily accessible to the members and employees of the Public Works Department.

(d) After the meter is placed, only members or employees of the Public Works Department shall be allowed to repair, remove or in any manner interfere with the same. A stop-cock or valve shall be placed on each side of the meter.

(e) For properties classified as residential, pursuant to the Westchester Zoning Ordinance, and properties dedicated to residential use, the cost of the meter and the installation thereof shall be paid by the Village. For properties not classified as residential, pursuant to the Westchester Zoning Ordinance, and properties not dedicated to residential use, the cost of the meter and the installation thereof shall be paid by the customer receiving water service.

(f) For properties classified as residential, pursuant to the Westchester Zoning Ordinance, and properties dedicated to residential use, the Village shall be responsible for all costs associated with the operation, maintenance and replacement of the water meter located at the property. For properties not classified as residential, pursuant to the Westchester Zoning Ordinance, and properties not dedicated to residential use, the customer receiving water service shall be responsible for all costs associated with the operation, maintenance and replacement of the water meter located at the property.

(g) It is unlawful for any person to injure, deface, mar, destroy or in any manner interfere with any such meter or device used for the purpose of metering, or to be in possession of a tampered meter or part thereof. It shall be the duty of the customer receiving water service to promptly notify the Public Works Department of all defects in any such meter or any part of the metering system or of its failure to properly register the quantity of water used.

(h) A charge of twenty-five dollars shall be made to test a meter when said test is requested by a water user.

Section 2. Chapter 2.60, entitled "Water Department" of Title 2, entitled "Administration and Personnel" of the Westchester Municipal Code is hereby amended by adding thereto the following:

2.60.320 – Penalty.

(a) Any person found to be in possession of a tampered part or found to have tampered with any part of the metering system shall be liable for a violation of the provisions of this Chapter and shall be punished by a fine of not less than two hundred fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00). Each day upon which a person shall continue any violation of this Chapter, including failing to bring such metering system into compliance after notification thereof, shall constitute a separate and

distinct offense, and shall be deemed a separate violation and shall be punished by a fine of not less than two hundred fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00) for each such offense.

Section 3. This Ordinance shall be in full force and effect upon ten (10) days after its approval, passage and publication in pamphlet form as provided by law.

ADOPTED this 24th day of May, 2016, pursuant to a roll call vote as follows:

Angelo A. Calcagno	Aye	Celestine Reda	Absent
Carl C. Celestino	Aye	Nick Steker	Aye
Frank Perry	Aye	Tom Yurkovich	Aye

President Pulia Aye

APPROVED this 24th day of May, 2016.

Sam D. Pulia, Village President

ATTEST:

Sherby J. Miller, Village Clerk

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