

Ordinance NO. 2016-O-

**AN ORDINANCE IMPLEMENTING A WATER/SEWER UTILITY SUSPENSION PROCESS
FOR THE VILLAGE OF PINGREE GROVE,
KANE COUNTY, ILLINOIS**

WHEREAS, the Village of Pingree Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Village of Pingree Grove currently operates a water and sewer utility system and seeks to provide a process for temporary suspension of user accounts; and,

WHEREAS, the Village of Pingree Grove Board of Trustees have determined that this process is necessary and advantageous and support the public health, welfare, safety and morals;

NOW, THEREFORE, BE IT ORDAINED by the corporate authorities of the Village of Pingree Grove:

SECTION ONE: PROCESS AUTHORIZED:

The Village Board authorizes and directs its staff to implement a procedure for allowing property owners to temporarily suspend their water and sewer utility services in accordance with the guidelines outlined below. At such time as the Village updates its water and sewer billing ordinance, this process shall be incorporated into the updated Village Code.

1. Any person registered with the Village as the owner of a property on a Village water/sewer utility bill shall have the ability to request a temporary suspension of their user account, for any reason. During any such period of suspension, the property to which service has been suspended shall be required to be unoccupied and uninhabited; a violation of this restriction shall be a violation of this ordinance and shall subject a property owner to fines and/or posting of appropriate signage declaring the property to be uninhabitable. Suspension of service shall not be permitted where the property is inhabited by any person. Where a property owner requests suspension of a utility service account for a property that is or will be inhabited at the time of suspension, the account shall remain activated (or shall be immediately reactivated) and the owner shall be liable for a \$500 wrongful suspension fine.
2. The voluntary suspension shall be for a period of no less than two months. During such period of suspension, the Village shall 'inactivate' the account in question. Upon reactivation of the account, the account holder shall be credited for the period of time during which the service was suspended.
3. At the time of suspension, the Village shall turn off the water service to the property and no water use shall be permitted during a period of suspension. At the time of reactivation of the account, there shall be a \$75 reactivation fee paid (prior to reactivation), and the property owner shall be required to schedule a time, during the Village's normal business hours, for a Village employee to reactivate the water service *at a time when the property owner or a representative*

thereof is home to verify that the system is safely operational. The Village shall waive the \$75 reactivation fee if reactivation occurs after a change in ownership. In the event that the property owner or representative fails to be at the property at the scheduled reactivation time, the Village shall not reactivate the service at that time, and an additional \$75 fee shall be imposed for each subsequent rescheduled reactivation date.

4. Voluntary suspension shall only be permitted where the responsible party signs an application and release form in a format acceptable to the Village, in the format attached hereto as Exhibit A, or as otherwise approved by the Department Heads.
5. The Village's Department Heads are authorized and directed to implement such policies and procedures as shall be required to effectuate this ordinance.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed, amended to be consistent with this requirement, or superseded by this requirement.

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

EFFECTIVE DATE: This Ordinance shall take effect as provided for under Illinois law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois, on the 7th day of March, 2016.



Steve Wiedmeyer, President of the Board of Trustees
of the Village of Pingree Grove

ATTEST:



Clerk of the Village of Pingree Grove



Water/Sewer Utility Account Suspension Request Form

Property Address: _____

Property Owner: _____

Requested Start Date*: _____
*Must be regular business day for Village.

Requested End Date**: _____
**Must be regular business day for Village, and property owner must call Village at least 2 business days in advance to schedule time to meet at property for reactivation.

Purpose of Suspension: _____

By signing below, I agree and acknowledge:

- That I am the Owner of the property identified above, and that I am requesting the temporary suspension of the water/sewer utility account.
- That I understand that this will result in the temporary suspension of water service to the property.
- That no person will be residing in or inhabiting the property for the duration of the suspension, and that this suspension is not being requested to constructively evict or force any person out of the property. In the event that I request the suspension of service and the Village later determines that the property is occupied, the Village shall be entitled to immediately reactivate the service, and impose a \$500 wrongful suspension penalty.
- That I shall be responsible for any and all damage accruing to the property by virtue of the shutoff of the water service to the property, including but not limited to damage to fixtures within the property, damage to the water service or water shutoff valve or vault, or any other damages or expenses whatsoever. I agree that I shall undertake appropriate measures to either winterize the water system within the house or to keep the house heated to avoid damage to the house and its plumbing system. I further agree that I shall indemnify, defend and hold harmless the Village from any claim of damage arising out of or relating to my request for suspension of the utility service or the consequences thereof.
- That I shall be responsible for a \$75 reactivation fee at the time of reactivation of the utility service, and that such reactivation shall only occur on a normal business day of the Village, at a time to be scheduled when I or my representative will be present at the property to inspect the interior of the property at the time of reactivation, and that if neither I nor my representative is present, the water service shall not be reactivated, and I shall be liable for an additional \$75 fee at any subsequent rescheduled reactivation date.

Signature: _____

Date: _____