

ORDINANCE NO. 2024-

**AN ORDINANCE ESTABLISHING REQUIREMENTS FOR ACCESS TO
PREMISES BY VILLAGE PERSONNEL FOR ANY ACTION NECESSARY RE:
WATER METER INSTALLATION, MAINTENANCE, AND REPLACEMENT AND
PROVIDING PENALTIES FOR VIOLATION**

WHEREAS, the Village of Winnebago, Winnebago County, Illinois, currently operates a municipal water system, and has certain rules and regulations in place in regard to the same; and

WHEREAS, the Village desires to periodically update and modernize its water meters through the Village to allow for more accurate water usage tracking and collection practices; and

WHEREAS, the Village, as owner of the water meters, has purchased new water meters for every water location in the Village, and the Village is in the midst of a program to replace all water meters in the Village, at the expense of the Village, since there are now more efficiently operating meters available which will provide a method for better reading of the meters and analysis of any problems associated with the same, and water usage with a given meter; and

WHEREAS, while most residents have been very cooperative in allowing access to the premises and the replacement of such water meters, such has not been the same with all residents, and, since a review of the Village ordinances indicates there does not appear to be an ordinance detailing the requirement of cooperation and the consequences for non-compliance, an ordinance specific to this subject matter would need to be passed; and

WHEREAS, the Village Board of Trustee believes it would be in the best interests of its citizenry to establish clear rules as to the requirement for access to a given premises in order to conduct

necessary work in association with the water meters so as to ensure the most efficient and effective use of the waterworks system of the Village.

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

SECTION I—ALLOWANCE OF ACCESS TO PREMISES FOR WATER METER WORK

A) All water meters in the Village of Winnebago used to measure water purchased or otherwise obtained from the water system of the Village shall be purchased from the Village. This amount shall be paid to the Village before any water service is connected to the water mains.

B) Where an old meter becomes worn beyond repair and/or the Director of Public Works declares that the water meter is no longer serviceable, or is otherwise part of a water meter improvement program wherein water meters are being replaced in order to improve the efficiency and effectiveness of delivery of water service in the Village, such water meter shall be replaced by the Village at no expense to the customer.

C) The person and/or property owner receiving water service shall provide the authorized representative of the Village, after such representative has provided proper identification, with reasonable access to the meter for inspection, service, or replacement, upon request. It shall be the responsibility of the person and/or property owner receiving water service to provide the necessary time to the duly authorized Village personnel during normal business hours to access the water meter for such inspection, service, or replacement, and to make sure that the water meter is accessible.

D) It shall be unlawful for any person, firm, or corporation to create or maintain an obstruction, refuse access, or fail to provide the duly authorized Village employee or representative access to any shut off or other Village-owned water equipment as reasonably necessary, as determined

by the Village. The Village shall provide written notice of the need for access according to the notice provisions hereinbelow. Any obstruction shall be removed within five (5) days of notice.

E) In the event access to the water meter is denied either by verbal or written notification by the customer, or by no response to a written notice issued by the Village, the Director of Public Works shall cause discontinuance of water service until this requirement is fully complied with and/or the Village shall have the authority to charge a “Non-Compliance” service fee of \$200.00 per billing cycle including any period in which access to the metering device has been withheld or denied. Any discontinuation of water service will occur only after written notice and an opportunity for hearing is provided as described hereinbelow.

F) The fee for reinstatement of service shall be charged to the person and/or property owner receiving water service if such water service is discontinued as a result of non-compliance with this ordinance, with such fee assessed for both disconnection and reconnection in accordance with the schedule of fees in effect at the time of discontinuance of service.

G) After an opportunity to be heard has been provided to the record owner, known occupants, and known users of the service, if different than the owner, and at least sixty (60) calendar days have elapsed from when the opportunity to request a hearing has expired, or a decision has been made from a hearing, whichever date is later, the Village may, without further notice required, proceed with the installation of a meter pit in the Village Right-of-Way in order to provide a means to accurately measure the water consumed at the subject premises. The property owner shall be responsible for all costs associated with such installation, except the cost of the meter itself, which cost of the meter itself shall be borne by the Village. Accordingly, the costs assessed to the property owner shall include, but not necessarily be limited to, the meter pit cost and time and materials, other than the water meter, needed to accomplish the installation. The property owner shall be notified in writing by

the Village via regular U.S. Mail, postage prepaid, of the itemized costs associated with installation of the meter pit for which the property owner shall be responsible. Such costs shall be paid by the property owner, and must be paid in full no later than one (1) calendar year from the date of billing, but with a lien resulting against the property for any amount unpaid sixty (60) days after the date of invoice. In such latter circumstance, the lien shall be released only upon payment in full.

H) Where a customer wishes to replace a serviceable meter with one of a different size, the customer shall pay to the Village the difference between the salvage value of the meter to be replaced, as determined by the Director of Public Works, and the cost of the new meter. Such payment shall be made in full before the replacement meter is installed.

SECTION II—NOTICE AND OPPORTUNITY FOR HEARING PROVISIONS

A) Written notice shall be given to the owner of the premises, and to the occupant(s) of the premises and users of the service, if different than the owner, that service shall be discontinued for failure to allow access to complete water meter assessment, repair, replacement, etc. Notice shall be given by the Village by depositing such written notice in the U.S. Mail, postage prepaid, addressed to owner of the premises and the occupants of the premises, at those addresses as are shown on the then most current records of the Village. Receipt of the notice shall be conclusively presumed from proof of mailing the notice as provided above. Service of notice in any other manner where there is actual receipt of notice also shall be satisfactory service for the purposes of this ordinance.

B) The owner, occupants, and users of the service, if different than the owner, shall be entitled to a hearing before the Village Administrator, or his designee, upon filing of a written request with the Village Clerk for a hearing within 72 hours after receipt of the notice. This request shall state the reasons why water service should not be discontinued. The hearing will be held within 72 hours after receipt of the request for a hearing, if possible, but in any event shall be held prior to

discontinuing service. The decision of the Village Administrator, with input and testimony of the Public Works Director, made after the scheduled hearing regarding whether to discontinue water service, shall be final.

C) If access is not allowed within sixty (60) days after a hearing opportunity has been provided, at the Village’s election, the Village may proceed with the installation of a meter pit according to the provisions stated hereinabove.

SECTION III--REPEAL OF ANY CONFLICTING ORDINANCE OR PARTS OF ORDINANCE

All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION IV--ORDINANCE EFFECTIVE DATE

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

APPROVED: _____
Franklin J. Eubank, President of the Board of Trustees
of the Village of Winnebago, Illinois

ATTEST: _____
Sally Jo Huggins, Village Clerk

PASSED: _____

APPROVED: _____

RECORDED: _____

PREPARED BY:
Attorney Mary J. Gaziano
Village Attorney