

ORDINANCE NO. 2009-20-3253

AN ORDINANCE AMENDING CHAPTERS 6, 9A, 20, 21A, 22A, 23, 34A, AND 36  
RELATING TO RATES, FEES, BILLING PRACTICES AND PENALTY PROVISIONS  
CONTAINED IN SAID CHAPTERS

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

SECTION ONE: Section 6-20, entitled "Licensing of dogs and cats," of Article II, entitled "Licensing of Animals," of Chapter 6, entitled "Animals and Fowl," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 6-20. Licensing of dogs and cats.

1. Any person owning, keeping, harboring, or having custody of any dog or cat over six months of age within this municipality must obtain a license as herein provided.
2. Written application for licenses shall be made to the village that shall include name and address of the applicant, description of the dog or cat, the appropriate fee, and rabies certificate number, rabies certificate expiration date, and signature of applicant as evidence that a rabies certificate has been issued by a licensed veterinarian or anti-rabies clinic.
3. If not revoked, licenses for the keeping of dogs and cats shall be for a period of up to one year.
4. Application for a license must be made within thirty days after obtaining a dog or cat which is over six months, except that this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than sixty days.
5. License fees shall not be required for guide dogs for the blind.
6. Upon acceptance of the initial license application and fee, the village shall issue a durable license tag stamped with an identifying number and the year of issuance. The license tag is issued once for the life of the pet and annual license renewal will occur without replacement of the tag. License tags shall be designed so that they may be conveniently fastened to the animal's collar or harness.
7. Dogs and cats must wear license tags and collars at all times when off the premises of the owners.
8. The village shall maintain a record of the identifying numbers of all license tags issued and shall make this record available to the public.
9. The licensing period shall begin on April 15 and shall run for one year. Application for annual licenses may be made forty-five days prior to April 15 (by

March 1 each year). Persons applying for a license during the licensing year shall be required to pay the full fee stipulated in this section.

10. The annual license renewal application requires the payment of the applicable fee listed below:

Type	3/1 Through 4/14	4/15 and After
Dog	\$10.00	\$15.00
Cat	10.00	15.00
Neutered or Spayed (Ord. No. 98-11-2054)	5.00	10.00
Replacement (Lost Tag)	3.00	3.00

11. No more than four dogs and four cats may be licensed to be kept at any family dwelling.

SECTION TWO: Section 6-50, entitled “Penalties,” of Article V, entitled “Penalties,” of Chapter 6, entitled “Animals and Fowl,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 6-50. Penalties.

1. The owner of an animal violating subsections 6-2(a), 6-2(b), 6-2(f), 6-2(g), or Section 6-18 of this Code in any licensing period shall be subject to a fine according to the following schedule: ten-dollars for the first offense; twenty-dollars for the second offense; forty-dollars for the third offense; eighty-dollars for the fourth offense; one-hundred and sixty dollars for the fifth offense and two-hundred dollars for each offense thereafter.
2. Any violation of Subsections 6-2(c), 6-2(d), 6-2(e), or Section 6-15 of this Code shall require a court appearance and shall be subject to a fine of not less than \$50 and not more than \$750, and any other additional relief that the court finds necessary and appropriate, including, but not limited to, ordering any dog to be muzzled, to be kept out of the village, or to be destroyed.
3. The owner of an animal failing to provide required animal licensing documentation as required under 6-20 within 30 days of being notified of a deficiency in the application for a pet license shall be subject to a ten-dollar (\$10) fine.
4. Any other violation of this Chapter not specifically addressed in this Section 6-50 shall be subject to the provisions of section 16-1 of this Code.
5. Nothing in this section shall prohibit any person from seeking relief in the civil courts against the owner of an animal committing a private nuisance.

SECTION THREE: Chapter 9A, entitled “Burglar and Fire Alarms,” of the Glencoe Village Code is hereby amended by adding a new Section 9A-10, entitled “Penalties for failure to pay promptly,” which new Section shall hereafter be and read as follows:

Sec. 9A-10-Charge for failure to pay promptly.

If any bill for permit fees or service charges due under this Chapter is not paid within 30 days after the bill payment date, a late payment fee equal to ten percent (10%) of the billed amount shall be assessed. Payments of any bills subject to a late payment fee shall be applied first to the late payment fee, and then to the amount of the bill.

SECTION FOUR: Chapter 9A, entitled “Burglar and Fire Alarms,” of the Glencoe Village Code is hereby amended by adding a new Section 9A-11, entitled “Non-payment notice procedure,” which new Section shall hereafter be and read as follows:

Sec. 9A-11-Non-payment notice procedure

If any bill for permit fees or service charges is not paid within 30 days after the bill payment date, the Village shall follow the notice and enforcement procedures as set forth in 34A of this Code.

SECTION FIVE: Subsection 4, entitled “Payment Date: Penalty for Late Payment,” of Section 20-23, entitled “Billing and Payment of User Rates,” of Article IV, entitled “Budget, Funds and Rates,” of Chapter 20, entitled “Garbage, Rubbish, and Weeds,” of the Glencoe Village Code is hereby amended in its entirety, so that said Subsection shall hereafter be and read as follows:

4. Payment Date; Penalty for Late Payment. All bills rendered for user rates in connection with Village Waste Removal Service shall be due, and shall be paid, within 30 days after they are mailed. A penalty of ten percent (10%) shall be added to every such bill that has not been paid on or before the 30th day after it was mailed.

SECTION SIX: Section 20-24, entitled “Delinquent bills; discontinuance of service,” of Article IV, entitled “Budget, Funds and Rates,” of Chapter 20, entitled “Garbage, Rubbish, and Weeds,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 20-24. Delinquent bills; discontinuance of service; liens.

If the charges for such Village Waste Removal Service are not paid within 30 days after the bill for such service is mailed, the Village shall follow the notice and enforcement procedures as set forth in Chapter 34A of this Code, except that:

1. Following delivery of a final notice, Village Waste Removal Service will be discontinued for failure to pay for service rendered. Such notice can be combined

with other notices concerning services similarly billed;

2. Upon written request of the owner/occupant, the Director of Public Works will affirm whether or not services were indeed rendered. If services are determined to have been rendered, the full payment, including the late payment penalty will be required. Services are deemed to be rendered if the resident did not notify the Village in writing that the services should be stopped.

SECTION SEVEN: Section 20-25, entitled “Lien notice of delinquency,” of Article IV, entitled “Budget, Funds and Rates,” of Chapter 20, entitled “Garbage, Rubbish, and Weeds,” of the Glencoe Village Code is hereby repealed in its entirety, and the Village Code for said section shall hereafter be and read as follows:

Sec. 20-25. Reserved.

SECTION EIGHT: Section 20-26, entitled “Foreclosure of lien,” of Article IV, entitled “Budget, Funds and Rates,” of Chapter 20, entitled “Garbage, Rubbish, and Weeds,” of the Glencoe Village Code is hereby repealed in its entirety, and the Village Code for said section shall hereafter be and read as follows:

Sec. 20-26. Reserved.

SECTION NINE: Subsection 3 of Section 21A-70, entitled “Bills; responsibility for payment,” of Division Two, entitled “General Provisions,” of Article III, entitled “User Charges,” of Chapter 21A, entitled “Sewer Use and User Charges,” of the Glencoe Village Code is hereby amended in its entirety, so that said Subsection shall hereafter be and read as follows:

3. All sewer bills are due and payable 30 days after being sent out. A penalty of ten percent (10%) shall be added to all bills not paid by the 30th day after they have been rendered.

SECTION TEN: Section 21A-71, entitled “Delinquent bills; discontinuance of service,” of Division Two, entitled “General Provisions,” of Article III, entitled “User Charges,” of Chapter 21A, entitled “Sewer Use and User Charges,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 21A-71. Delinquent bills; discontinuance of service; liens.

If the charges for such services are not paid within 30 days after the rendition of the bill for such services, the Village shall follow the notice and enforcement procedures as set forth in Chapter 34A of this Code, except that:

1. Following delivery of final notice, both the water and sanitary sewer service to the premises shall be discontinued for failure to pay services rendered. Such

notice can be combined with other notices concerning services similarly billed.

2. Upon written request of the owner/occupant, the Director of Public Works will affirm whether or not services were indeed rendered. If the services are determined to have been rendered, then full payment, including the late payment penalty will be required. Services are deemed to be rendered if the resident did not notify the Village in writing that the services should be stopped, even if the service was not utilized by the owner occupant.

SECTION ELEVEN: Section 21A-72, entitled “Lien notice of delinquency,” of Division Two, entitled “General Provisions,” of Article III, entitled “User Charges,” of Chapter 21A, entitled “Sewer Use and User Charges,” of the Glencoe Village Code is hereby repealed in its entirety, and the Village Code for said section shall hereafter be and read as follows:

Sec. 21A-72. Reserved.

SECTION TWELVE: Section 21A-73, entitled “Foreclosure of Lien,” of Division Two, entitled “General Provisions,” of Article III, entitled “User Charges,” of Chapter 21A, entitled “Sewer Use and User Charges,” of the Glencoe Village Code is hereby repealed in its entirety, and the Village Code for said section shall hereafter be and read as follows:

Sec. 21A-73. Reserved.

SECTION THIRTEEN: Article I, entitled “Statement of Purpose, Goals and Fees,” of Chapter 22A, entitled “Ambulance Fees,” of the Glencoe Village Code is hereby amended by adding a new Section 22A-4, entitled “Penalty for failure to pay promptly,” which new Section shall hereafter be and read as follows:

Sec. 22A-4. Penalty for failure to pay promptly.

If the ambulance fee is not paid within 30 days after the bill for fees is payable, such bill shall be subject to an additional charge of ten percent (10%) of the ambulance bill.

SECTION FOURTEEN: Article I, entitled “Statement of Purpose, Goals and Fees,” of Chapter 22A, entitled “Ambulance Fees,” of the Glencoe Village Code is hereby amended by adding a new Section 22A-5, entitled “Non-payment notice procedure,” which new Section shall hereafter be and read as follows::

Sec. 22A-5. Non-payment notice procedure.

If the charges for ambulance services are not paid within 30 days after the bill for fees is payable, the Village shall follow the notice and enforcement procedure as set

forth in Chapter 34A of this Code.

**SECTION FIFTEEN:** Section 23-32, entitled “Registration - required,” of Article II entitled “Bicycles,” of Chapter 23, entitled “Motor Vehicles and Traffic,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 23-32. Registration - generally.

The Village encourages registration of bicycles intended to be operated or otherwise used within the Village.

**SECTION SIXTEEN:** Section 23-67, entitled “Classification; fees,” of Article V, entitled “Vehicle Licenses,” of Chapter 23, entitled “Motor Vehicles and Traffic,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 23-67. Classification; fees.

For the purpose of this article, motor vehicles shall be divided into two divisions:

First division. Vehicles which are designed for the carrying of not more than nine persons.

Second division. Those vehicles which are designed and used for pulling or carrying freight and also vehicles designed and used for carrying more than nine persons.

The licensing period shall begin on April 15 and shall run for one year. Application for annual licenses may be made forty-five days prior to April 15 (by March 1 each year). Fees for licenses shall be paid annually to the Village based upon the date such licenses are issued. The fees for motor vehicle licenses are and shall be as follows:

Type	3/1 Through 4/14	4/15 and After
For a motor bicycle or motor tricycle	25.00	37.50
For motor vehicles of the first division owned and operated by persons 64 years and younger as of the day prior to the beginning of the licensing period for which the fee is sought	50.00	75.00
For motor vehicles of the first division owned and operated by persons 65 years and older as of the day prior to the beginning of the licensing period for which the fee is sought	25.00	37.50
For motor vehicles of the second division: Gross weight eight thousand pounds or less, including weight of vehicle and maximum load	50.00	75.00
Gross weight of more than eight thousand pounds to sixteen thousand pounds, including weight of vehicle and maximum load	75.00	112.50

Gross weight of more than sixteen thousand pounds, including weight of vehicle and maximum load	120.00	180.00
For a motor vehicle used for commercial purposes other than those mentioned in this section	50.00	75.00
For transferring license to different vehicle	10.00	10.00
For issuing duplicate license	10.00	10.00

Notwithstanding the foregoing, the vehicle fee for any vehicle that is classified as a “hybrid” vehicle shall be 50% of the fee listed above.

SECTION SEVENTEEN: Section 23-69, entitled “Expiration; proration,” of Article V, entitled “Vehicle Licenses,” of Chapter 23, entitled “Motor Vehicles and Traffic,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 23-69. Expiration; proration.

All motor vehicle licenses provided for in this article shall expire on the 14th day of April following the date of issue. When a license is issued prior to October 15 in any licensing period, the full annual "April 15 and after" fee specified by section 23-67 shall be paid. When a license is issued on or after October 15 of any licensing period, the fee to be paid shall be a sum equal to one half of the annual "April 15 and after" fee specified by section 23-67 shall be paid. New residents purchasing initial vehicle licenses upon moving into the Village shall pay the "March 1 through April 14" fee for the initial license, and only half of such "March 1 through April 14" fee shall be paid if the new resident moved into the village after October 15 of the licensing period.

SECTION EIGHTEEN: Section 34A-2, entitled “Applicability,” of Article I, entitled “In General,” of Chapter 34A, entitled “Uncollected Debts Generally,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 34A-2. Applicability.

This Chapter establishes standardized collection enforcement procedures for monies due to the Village under any provisions of the Village Code or any provisions of the Illinois Compiled Statutes, including without limitation all permit and license fees and service charges including, but not limited to, water and sewer connection and rate fees, and costs incurred by the Village for the abatement of weeds, removal of garbage, commercial refuse or residential rubbish, but shall not include monies due from taxes or assessments.

SECTION NINETEEN: Article II, entitled "Enforcement Procedures," of Chapter 34A, entitled "Uncollected Debts Generally," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Article II. Enforcement Procedures.

Sec. 34A-4. First Notice, late payment penalty.

If, at the end of 30 days after any monies, as provided in Section 34A-2, due to the Village have not been received, the Village Clerk or the Clerk's duly appointed representative shall serve a "First Notice" upon the person owing said money, by first class mail. Service is effective on the date the first notice was mailed. Said notice shall advise the person that it is the "First Notice" pursuant to Chapter 34A of the Glencoe Village Code, and it shall include a copy of the unpaid bill(s) revised to include a 10% late payment penalty. Said notice shall also advise the person of administrative procedures for contesting the bill, including procedures for requesting an informal hearing.

This requirement for a first notice shall be deemed satisfied with respect to water and rubbish bills by service of a "reminder notice" pursuant to the administrative regulations of the Glencoe Department of Public Works.

Sec. 34A-5. Second Notice.

If, at the end of 15 days after a first notice was served pursuant to Section 34A-5, any monies which were the subject of said first notice have not been received, the Village Clerk or the Clerk's duly appointed representative shall serve a "Second Notice" by first class mail. Service shall be effective on the date the second notice was mailed. Said notice shall advise the person that it is the "Second Notice" under Chapter 34A of the Glencoe Village Code, shall describe the amount due and for what it is owed. Said notice shall advise the person that service may be terminated and a lien imposed if the bill remains unpaid or that the amount owed may be submitted to a collection agency, and shall advise the person of administrative procedures available for contesting the bill, including procedures for requesting an informal hearing.

The requirements for a second notice shall be deemed satisfied with respect to water and rubbish bills by service of a second notice in accordance with the administrative regulations of the Glencoe Public Works Department.

Sec. 34A-6. Final Notice

In the event any monies owing to the Village are not paid within 15 days following service of the Second Notice pursuant to this section, the Village Clerk or the Clerk's duly appointed representative shall serve a "Final Notice" by first class mail. Service shall be effective on the date the final notice was mailed. Said notice shall advise the person that it is the "Final Notice" under Chapter 34A of the Glencoe Village Code, shall describe the amount due and for what it is owed. Said notice shall advise the person that service may be terminated and a lien imposed if the bill remains unpaid or that the amount owed may be submitted to a collection agency, and shall advise the person of

administrative procedures available for contesting the bill, including procedures for requesting an informal hearing. The costs of serving such Notice and all subsequent costs of collection (including without limitation reasonable attorneys' fees) shall be deemed to be, and shall be treated as, an additional fee due and owing the Village for the goods, service, permit, or license which gave rise to the initial debt.

#### Sec. 34A-7. Informal Hearing Procedure.

At any time after receiving a first notice pursuant to Section 34A-4, the person affected may question the bill and request an informal hearing. Upon request, the Village Clerk or the Clerk's duly appointed representative shall refer said person to the appropriate Village employee with authority to resolve the dispute. After receiving a request, the appropriate Village employee shall schedule an informal hearing, and provide the customer or affected person reasonable advance written notice, by certified mail, return receipt requested, of the time and place of the hearing. The appropriate Village employee may conduct the hearing, or may appoint another person who is a current Village employee to conduct the hearing. Whoever shall conduct the hearing shall be called the "Hearing Officer," and shall be disinterested and unbiased.

The hearing shall be informal, and designed to obtain all information and evidence relevant to the billing or money owed, and the dispute concerning it. The Hearing Officer shall make written findings of fact and a written determination, and shall send a copy of the decision certified mail, return receipt to the person liable for the bill or money, and in the case of a landlord, to all of his tenants residing on the property which may be affected by a termination of any services as a result of said decision pursuant to Section 34A-7.

#### Sec. 34A-8. Termination of Service; Revocation of Permits, Etc.

If, at the end of 15 days after a final notice was served pursuant to Section 34A-6, no hearing has been requested and any monies which were the subject of said final notice have not been received, the appropriate Village authority shall terminate or revoke, or initiate any other applicable provisions or procedures appropriate for terminating or revoking, any Village service, license or permit for which said monies are owing without further notice.

If, prior to the expiration of 15 days after a final notice was served pursuant to Section 34A-6, a hearing has been requested pursuant to Section 34A-7, and if a decision has been rendered by the Hearing Officer finding any monies to be owing to the Village, and if any of said monies have not been received within seven days following mailing of the Hearing Officer's decision, then the appropriate Village authority shall terminate or revoke, or initiate any other applicable provisions or procedures appropriate for terminating or revoking, any Village service, license or permit, for which said monies are owing without further notice.

#### Sec. 34A-9. Imposition of Liens.

If, at the end of 30 days after a final notice is served pursuant to Section 34A-6, no hearing has been requested and any monies that were the subject of said final notice have not been received, the Village Manager may file, with the recorder of deeds of the county, a statement of lien claim, wherever authorized by statute. The statement of lien claim shall contain the legal description of the subject premises, the amount and due date of the unpaid bill or fee, and a notice that the Village claims a lien for this amount as well as for any charges incurred for the same Village service provided subsequent to the period covered by the bill or fee and for costs of collection, in accordance with Section 34A-6.

If, at the end of 21 days following a hearing pursuant to Section 34A-7 in which the person is found to owe any monies which were the subject of a final notice, any monies which were the subject of said hearing have not been received, the Village Manager may file a statement of lien claim as described above.

Notice of the lien shall be mailed to the party owing the monies to the Village under this section. If the party owing the monies due to the Village under this section is not the owner of the premises, and the Village Manager has notice of said fact, notice shall be mailed to the owner of the premises, if his address be known to the Village Manager, or to the address where the last tax bill for the property was sent if the address is not known. The Manager shall also mail a notice to any other person as may be required by statute.

The failure of the Village Manager to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose for lien as provided in the following section, or the right of the Village to pursue any other rights or remedies it may have available to it.

#### Sec. 34A-10. Foreclosure of Liens.

If, at the end of 30 days after a notice of lien is mailed pursuant to Section 34A-9, any monies which were the subject of said lien have not been received, the Village Attorney shall, upon direction of the Village Manager, institute proceedings in the name of the Village to foreclose any lien claims filed by the Village pursuant to Section 34A-9. Such proceedings shall be in accordance with any specifically applicable state statutes or, if none exist, in accordance with the procedures generally applicable to the foreclosure of statutory liens. The proceeds of the sale shall be applied to pay the bills, charges, fees or other debt which gave rise to said lien, after deducting costs, as in the case in the foreclosure of statutory liens.

#### Sec. 34A-11. Use of Professional Collection Services.

In addition or as an alternative to imposition of lien, the Village Clerk or the Clerk's duly appointed representative may use a professional collection service to collect any unpaid debt included in the Village Code.

#### Sec. 34A-12. Other Remedies.

The Board of Trustees may, in addition to the remedies hereinabove provided, direct the Village Manager and Village Attorney to take any and all additional actions which may be available to enforce payment of monies due the Village.

Sec. 34A-13. Deposit in Funds.

Monies recovered shall be placed in the appropriate special fund, if any. Otherwise, such monies shall be deposited in the general fund.

SECTION TWENTY: Article III, entitled "Separability; Effective Date," of Chapter 34A, entitled "Uncollected Debts Generally," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Article III. Separability; Effective Date.

Sec. 34A-14. Separability.

If any section, sub-section, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Sec. 34A-15. Effective Date.

This Chapter shall be effective as to monies which become due to be paid to the Village since January 1, 2009. Individuals with monies already 30 days past due upon the passage and due publication of this ordinance will receive a duplicate copy of the initial invoice with an additional 30 days to pay prior to any penalty being applied or enforcement procedures being performed.

SECTION TWENTY-ONE: Section 36-16, entitled "Turning water supply back on after it has been cut off for nonpayment of water rates," of Article II, entitled "Water Supply," of Chapter 36, entitled "Water," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 36-16. Turning water supply back on after it has been cut off for nonpayment of water rates, noncompliance with article, etc.

Where the water supply to any building, structure or premises shall have been cut off or stopped on account of the nonpayment of water rates or on account of the violation of any of the provisions of this article, or for any other reason or cause whatsoever, where such cutting off or stopping shall have been done by the water department, water shall not again be supplied to such building, structure or premises or permitted to be turned on therein or thereto without a permit first issued for that purpose by the superintendent of water, or upon order of the village president or board of trustees and the payment of a reconnection fee. The reconnection fee shall be in an

amount not less than \$75 (or such greater amount as may be specifically established by village ordinance) plus actual costs to restore service. If it shall be found by the water department that the water supply has been turned on or into any such building, structure or premises from which it has been cut off or stopped, as aforesaid, in violation of the provisions of this section, the superintendent of water shall have the authority and it shall be his duty to see that the service or supply pipes by and through which water is supplied to such building, structure or premises are cut off at the water mains or as near thereto as is practicable, and no water shall again be supplied to such building, structure or premises or be permitted to be turned on therein, thereto, until a fine of not less than seventy-five dollars nor more than five hundred dollars shall have been paid for and on account of the unlawful and unauthorized turning on for such water supply to such premises, such amount to be determined by the village president or the board of trustees.

The amounts hereinbefore provided for shall be paid by the person owning, occupying or in possession, charge or control of such building, structure or premises at the time it is desired to have the water turned on or supplied thereto, irrespective of whether such person shall have been the one guilty of violating the provisions of this section, such person being hereby declared to be held responsible for any tampering with the buffalo or shut-off boxes on his premises or in his building or structure and also for any unlawful or unauthorized turning on of water into or upon his building, structure or premises.

SECTION TWENTY-TWO: Section 36-23, entitled "Rates and charges generally – Rate Established," of Article II, entitled "Water Supply," of Chapter 36, entitled "Water," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 36-23. Rates and charges generally – Rate Established.

- (1) Rate established. The rate for consumers receiving water from the water system of the village shall be twenty-seven dollars and seventy-two cents (\$27.72) per one thousand cubic feet, effective March 1, 2009.
- (2) Establishment of Accounts and Responsibility for Payment. Whenever a person, firm, corporation, or entity occupying any premises requests or obtains potable water service from the Village's water system there shall be established a water account for such premises that shall remain in effect unless and until a final water service bill is requested and paid, and a certified receipt of final payment is issued from the Village relating to such account. Any person, firm, corporation, or entity owning or occupying the premises shall be responsible for all fees, charges, rates, penalties, fines, obligations, and liabilities relating to such account, whether such person, firm, corporation, or entity originally opened such account or assumed such account upon the transfer of property ownership or occupancy and irrespective of the water usage by such person, firm, corporation, or entity; provided, however, that any person, firm, corporation, or entity who is a transferee of premises for which an account exists shall be relieved of any

obligations and liabilities with respect to such account if such person, firm, corporation, or entity obtains a certified receipt of final payment from the Village relating to such account. If more than one person, firm, corporation, or entity has occupied or owned the premises during the pendency of such account, each such person, firm, corporation, and entity shall be jointly and severally liable for all matters and charges relating to such account.

Any person, firm, corporation, or entity that owns or occupies the premises may seek a certified receipt of final payment by requesting a final water meter reading and water bill, and paying all outstanding sums due on such account.

Whenever a person, firm, corporation, or entity occupying or owning a premises requests a final utility bill for such premises, the Village shall have the right to terminate water service to such premises following the issuance of a final bill for water services for such premises, unless the Village receives a request to establish a new water account for such premises. If water service is terminated before any request for a new water account is received, the applicable re-connection fee or charge must be paid to the Village before water service to such premises will be re-activated.

- (3) If the charges for service are not paid within 30 days within the rendition of the bill for such services, the Village shall follow the notice and enforcement procedures as set forth in Chapter 34A of this Code, except that:
  - (A) Following delivery of a final notice, both the water and sewer service to the premises shall be discontinued for failure to pay services rendered. Such notice can be combined with other notices concerning services similarly billed.
  - (B) Upon written request of the owner/occupant, the Director of Public Works will affirm whether or not services were indeed rendered. If the services are determined to have been rendered, the full payment, including the late payment penalty, will be required. Services are deemed to be rendered if the resident did not notify the Village in writing that the services should be stopped, even if the service was not utilized by the owner occupant.

SECTION TWENTY-THREE: Section 36-26, entitled “Same – Penalties for failure to pay promptly,” of Article II, entitled “Water Supply,” of Chapter 36, entitled “Water,” of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 36-26. Same - Penalties for failure to pay promptly.

If water bills are not paid on or before the last day of the month in which such bills are due or payable, such water bill shall be subject to an additional charge of ten percent (10%) of the water bill.

SECTION TWENTY-FOUR: Section 36-27, entitled "Turning off water for failure to pay bill within forty-five days," of Article II, entitled "Water Supply," of Chapter 36, entitled "Water," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 36-27. Turning off water for failure to pay bill within sixty days.

If, at the end of sixty days from the date of the original water bill (and subject to the issuance of a final notice as provided for in Chapter 34A), the full amount of the bill has not been paid and no payment plan has been approved by the Village Manager or the Manager's duly authorized designee, the water supply shall be shut off from the building, structure or premises involved and not turned on until the unpaid bills for water consumed and charges for shutting off and turning on such supply of water are paid by the consumer, as provided in section 36-16.

SECTION TWENTY-FIVE: Section 36-31, entitled "Use of water for temporary purposes and for purposes not otherwise specified in article; rates therefor," of Article II, entitled "Water Supply," of Chapter 36, entitled "Water," of the Glencoe Village Code is hereby amended in its entirety, so that said section shall hereafter be and read as follows:

Sec. 36-31. Use of water for temporary purposes and for purposes not otherwise specified in article; rates therefor.

When water is used for temporary purposes or for purposes not otherwise specified in this article, the quantity of water so used, or to be used, shall be estimated by the superintendent of water and shall be charged for at the rate set forth in Section 36-23 of this chapter.

The amount to be charged for the use of water for such temporary or other purposes, when the quantity of water used or to be used shall have been estimated by the superintendent of water, shall be paid in advance to the water department by the person desiring to use such water, at the rates herein fixed for such use.

SECTION TWENTY-SIX: Section 36-40, entitled "Lien for unpaid bill for water service - Generally," of Article II, entitled "Water Supply," of Chapter 36, entitled "Water," of the Glencoe Village Code is hereby repealed in its entirety, and the Village Code for said section shall hereafter be and read as follows:

Sec. 36-40. Reserved.

SECTION TWENTY-SEVEN: Section 36-41, entitled "Same - Foreclosure," of Chapter 36, entitled "Water," of the Glencoe Village Code is hereby repealed in its entirety, and the Village Code for said section shall hereafter be and read as follows:

Sec. 36-41. Reserved.

SECTION TWENTY-EIGHT: Effective Date. This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form in the manner provided by law.

Passed this 15<sup>th</sup> day of October 2009.

AYES: Bhote, Cowans, Keefe, Levin, and Solomon (5)

NAYS: None (0)

ABSENT: Shubart (1)

ABSTAIN: None (0)

Approved this 15<sup>th</sup> day of October 2009.

/s/ Scott M. Feldman  
Village President

ATTEST:

/s/ David A. Clark  
Deputy Village Clerk

Published in pamphlet form this 15<sup>th</sup> day of October 2009.

/s/ David A. Clark  
Deputy Village Clerk

Posted this 15<sup>th</sup> day of October 2009.

/s/ David A. Clark  
Deputy Village Clerk

Approved as to form.

/s/ Victor Filippini  
Village Attorney