

CITY OF ROCK FALLS

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**ORDINANCE NO. 2019-2423**

**ORDINANCE AMENDING CHAPTER 32, ARTICLES II AND III  
OF THE ROCK FALLS CITY CODE  
RELATING TO CHANGES IN UTILITY BILLS**

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ADOPTED BY THE  
  
CITY COUNCIL  
  
OF THE  
  
CITY OF ROCK FALLS

THIS 21st DAY OF May, 2019

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Published in pamphlet form by authority of the City Council of the City of Rock Falls, this  
21st day of May, 2019.

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**ORDINANCE AMENDING CHAPTER 32, ARTICLES II AND III  
OF THE ROCK FALLS CITY CODE  
RELATING TO CHANGES IN UTILITY BILLS**

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/11-117-1, permits the City of Rock Falls (the "City") to fix the rates and charges for products sold and the services rendered by any public utility owned and operated by it within the City limits and to make all needful rules and regulations in relation thereto; and

**WHEREAS**, the City operates and provides a number of utilities for the residents of Rock Falls and members of the public; and

**WHEREAS**, the City has previously restructured the billing for its various utility services into one utility office; and

**WHEREAS**, the Mayor and City Council of the City of Rock Falls have determined it in the best interests of the City to clarify and update the provisions of the Rock Falls City Code with respect to the operation of the utility office, billing for utility services, and the rules and regulations in relation thereto.

**NOW, THEREFORE**, be it ordained by the Mayor and City Council of the City of Rock Falls as follows:

**SECTION 1:** That Chapter 32, Article II, Section 32-21, as amended, be further amended to read as follows:

**"Sec. 32-21. - No new service to persons owing charges in arrears.**

No person owing utility charges and moving to other premises where there are city utility connections or where connections shall afterwards be made shall be served until such charges in arrears are paid in full."

**SECTION 2:** That in all other respects, Chapter 32, Article II, Section 32-21 shall remain in full force and effect as previously adopted and/or amended.

**SECTION 3:** That Chapter 32, Article II, Section 32-22, as amended, be further amended to read as follows:

**"Sec. 32-22. - Bills generally; delayed payment.**

- (a) The rates specified within this Code for electrical, water, sanitary sewer, garbage collection and fiber services shall be applied to the service utilized by each customer of a utility department, and a written bill shall be prepared by the city's utilities office. Each bill prepared shall be mailed to the customer at the address

provided therefor by the customer to the utilities office. Each bill shall contain the following information:

- (1) The time period and number of days of utility services provided for each service;
- (2) The amount owed for each utility service supplied;
- (3) The date when complete payment is due, which date shall be not less than 15 days after the date the bill is prepared;
- (4) Notice whether the bill for each service is based upon actual or estimated measurement of the amount of utility services supplied; and
- (5) Notice that residential customers may call the utilities office, city hall, at the telephone number listed on the bill, in order to:
  - a. Dispute the amount of any utility charge;
  - b. Avoid termination of utility services for non-payment in accordance with the provisions of this article; or
  - c. Request the restoration of any utility service previously terminated.

(b) The utilities office shall upon request by any customer provide information as to the following:

- (1) The procedure to dispute any charge for utility services;
  - (2) The procedure to avoid termination of any utility service due to non-payment of charges;
  - (3) The procedure for a tenant of any residential property to avoid termination of utility services due to failure by the landlord to pay the utility charges; and
  - (4) The procedure to obtain reinstatement of utility services.
- (c) Any time before the date specified within any notice to a customer as the date of termination of utility services for non-payment of a bill, or for violation of any provision of this Code, or within ten days following the giving of a notice of rejection for utility services, the customer may dispute the basis for the proposed termination of services or the basis for the rejection; provided, however, that the customer shall not be entitled to dispute the basis of termination or rejection for services if the basis was the subject of a previous dispute which was either:

- (1) Adjudicated pursuant to this section; or
  - (2) Not properly challenged by the customer's failure to follow the procedure set out in this section.
- (d) The procedure to dispute termination of services or rejection for services shall be as follows:
- (1) Before the date specified in the notice for termination of services or within ten days following receipt of notice of rejection for services, the customer shall notify the superintendent of the utilities office of the city, in writing, that the customer disputes all or part of the amounts shown on the bill, or disputes the basis for rejection of services, or that the customer claims other reasons for disputing the right of the city to terminate services or the right of the city to reject the customer for services. Such writing shall state as completely as possible the basis and nature of the dispute.
  - (2) If the superintendent of the utilities office determines that the dispute is untimely, or that the customer previously disputed the termination or the rejection upon the same basis, the superintendent shall mail to the customer a notice stating that the present dispute is untimely or invalid for prior adjudication. A dispute is untimely if filed after service has been terminated.
  - (3) If the superintendent of the utilities office determines that the dispute is not untimely or invalid under this section, the superintendent shall, within three days after receipt of the customer's notice, arrange an informal meeting between the customer and the superintendent of each affected utility department.
  - (4) The superintendent of each affected utility department shall attempt to resolve the dispute in a manner satisfactory to the department and the customer, based upon the department's records, the customer's allegations and other relevant materials available to the superintendent, at such meeting. The superintendent of each affected utility department shall, within five days after the meeting with the customer, mail to the customer a copy of the superintendent's decision resolving the dispute.
  - (5) If the decision of the superintendent is unsatisfactory to the customer, the customer, within five days of mailing of the decision by the superintendent of the affected department, may file in writing with the superintendent of the utilities office a request for a formal hearing before the utilities committee of the city council. Upon filing of the request by the customer, a formal hearing shall be held by the utilities committee within ten days following receipt of the customer's request for such hearing.

- (6) At the hearing before the utilities committee, the superintendent of the affected utility department and the customer shall be entitled to present all evidence that, in the view of the utilities committee, is relevant and material to the dispute, and the committee shall be entitled to examine and cross examine witnesses. A record of the hearing shall be maintained.
  - (7) At the conclusion of the hearing, the utilities committee shall render a decision on the dispute. Such decision shall be reduced to writing and a copy thereof shall be mailed to the customer within five days of the hearing. The decision shall be final and binding on the affected utility department, and on the customer.
- (e) Utilization of the dispute procedure provided for in this section shall not relieve a customer of the obligation to timely and completely pay all other undisputed utility charges for services supplied by the city or to timely and completely pay undisputed portions of amounts which are subject to the instant dispute, or to otherwise comply with the requirements of this Code. Failure by the customer to timely and completely pay all such undisputed amounts or to otherwise comply with requirements of this Code shall be cause for termination of the utility service in accordance with the provisions of this article.
- (f) Until the date of the decision of the affected utility department superintendent becomes final, or until the date of the decision of the utilities committee (if the customer shall have appealed the superintendent's decision) the utility service which has been the subject of the dispute shall not be terminated based solely upon the matters in dispute; provided, however, that nothing shall prohibit termination of the utility service for other cause which is undisputed by the customer. If the decision of the superintendent or the utilities committee, as applicable, is unfavorable to the customer disputing the charge, the notice to the customer of such unfavorable decision shall specify a date not less than five days after such notice within which all disputed amounts must be paid or within which other such corrective action must be taken by the customer in order to avoid termination of the utility services. Failure by the customer to pay or take such other action within the time specified in such notice shall then be cause for termination of the utility services at the expiration of the time period.
- (g) Except as otherwise provided in subsection (f) of this section, the provisions of this subsection shall govern all termination of utility service for non-payment of utility charges or for failure to comply with other requirements of this Code.
- (1) If, by the payment date shown on any bill for utility services, the city shall not have received complete payment of the amounts shown on the bill or if the violations alleged within any notice of violation of provisions of this Code shall have not been corrected by the date specified in such violation notice, the utilities office shall mail to or personally serve upon the customer a notice of termination of utility services.

- (2) The notice of termination shall contain the following information:
- a. The amount to be paid or the nature of the violation to be corrected;
  - b. The date of the notice of termination;
  - c. The date after which termination of utility services shall be made, which date shall be at least eight days from the date of the notice of termination;
  - d. Notice that unless the payment of the amounts specified or that the affected utility department superintendent has certified that the violation has been corrected prior to the date of termination, that the utility service shall be terminated under this subsection (g);
  - e. Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the utilities office that he disputes the correctness of all or part of the amount shown or that he disputes that he is in violation of provisions of this Code cited as authority for the termination notice, provided that the basis of the dispute shall not have been the subject of a previous dispute either waived or adjudicated.

- (3) If, prior to the date specified within the notice after which utility services will be terminated, the city shall not have received complete payment of the amounts shown on the notice of termination and if no notice of dispute under subsection (f) of this section shall have been received by the city, or if the customer shall not have corrected any violation of provisions of this Code as shown on the notice of termination, then the utility services which are the subject of the notice of termination shall be terminated and disconnected. If, however, the customer pays the entire amount shown on the notice of termination, or if the superintendent of the affected utility department certifies that the violations of this Code serving as the basis for the notice of termination have been corrected, then such payment or correction shall be considered timely, and the notice of termination shall be ineffective.

(h)

- (1) Utility services shall be terminated for non-payment only during the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday; and on Friday during the hours of 8:00 a.m. to 12:00 p.m.
- (2) No terminations shall be permitted on a legal holiday or on the day before a legal holiday, and a federal holiday or on the day before a federal holiday.

- (3) No terminations of utility services shall be permitted on a day when the low temperature forecast for the following 24 hours, as reported by the National Weather Service at its first order station nearest the residence, includes a forecast that the temperature will be below 20 degrees Fahrenheit. If the utility service to a residential customer has been terminated and not reinstated by 5:00 p.m. on the day of termination, when the low temperature within the previous 24 hours, as reported by the National Weather Service at its first order station nearest residence, was below 32 degrees Fahrenheit, the utilities office shall notify the police department of the city on the day of termination of the following:
- a. The name of the customer;
  - b. The address and location of the residence no longer receiving such utility services;
  - c. The possible threat to the health and life of all persons residing at the residence.
- (i) In the event of termination of utility services in accordance with the provisions of this section, such utility services shall be reinstated to the customer within one full working day of receipt by the utilities office of complete payment of the amount prompting the termination (including required deposits) and any reconnection charges, or receipt of notice from the superintendent of the affected utility department that the violation of the provision of this Code giving rise to the termination has been corrected. Such payment or correction of violations shall not be considered timely for purposes of this article.
- (j) Forty days from the termination of services of a tenant, billing of capital improvement and debt charges become the responsibility of the landlord. Tenant will be final billed and billing shall be thereafter set up in the landlord's name.
- (k) In computing any period of time prescribed by this section, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so completed shall be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- (l) In addition to being subject to a termination of service pursuant to this section, each bill for utility services which shall not have been paid by the customer on or prior to the due date shown on the monthly bill, shall have added to the bill the amount of five percent of the monthly bill as a late payment penalty, unless the customer listed on the bill is 65 years or older before the time listed as the due date, or if the customer is receiving federal Social Security Disability and can provide proof of coverage to city staff."

**SECTION 4:** That in all other respects, Chapter 32, Article II, Section 32-22 shall remain in full force and effect as previously adopted and/or amended.

**SECTION 5:** That Chapter 32, Article II, Section 32-23, as amended, be further amended to read as follows:

**“Sec. 32-23. - Delinquent payment constitutes lien upon real estate; statements filed.**

If the charges for utility services for water or for sanitary sewer services shall not have been paid within forty (40) days after mailing of the bill for such water or sewer services, such charges shall be deemed to be delinquent and thereafter such delinquencies shall constitute a lien upon the real estate for which such utility services are supplied. The city clerk is authorized and directed to prepare and file with the county recorder of deeds a statement of lien claim for the amount of delinquency and lien in the form as required by statute authorizing the filing of such lien statement. If the user whose bill is unpaid is not the owner of the real estate being served, then prior to the filing of such lien, the city clerk shall send to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number: (i) a copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates, or such other notice sufficient to inform the owner or owners of record that the charges or rates have become delinquent; and (ii) a notice that unpaid charges or rates may create a lien on the real estate under section 5/11-139-8 of the Illinois Municipal Code. Upon the filing of any lien under this section, the city clerk shall send a copy of the notice of the lien to the owner or owners of record of the real estate. Any property subject to a lien for unpaid charges shall be subject to foreclosure of such lien by bill in equity in the name of the city, in accordance with procedures under the statute providing for such liens. Upon authorization by the city council, the city attorney will be authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the city is entitled to a lien under this provision or any provision of any statute of the state.”

**SECTION 6:** That in all other respects, Chapter 32, Article II, Section 32-23 shall remain in full force and effect as previously adopted and/or amended.

**SECTION 7:** That Chapter 32, Article II, Section 32-27(b), as amended, be further amended to read as follows:

- “(b) A customer from whom supplemental or additional charges under this section are due may make request to the superintendent of the utility department from which the supplemental or additional service was obtained, that such additional or supplemental charges be payable in installments by addition of equal amounts to multiple monthly bills, not exceeding 12 months, unless the superintendent of the utility department, with the advice and consent of the utilities committee, grants a request from the customer for additional time for payment of the additional or supplemental charges. The granting of additional time to complete repayment under an installment agreement shall be based on the total additional charges subject to repayment, in light of the customer's financial circumstances. The obligation for initiating the request for installment payment option shall be that of



the customer, and the utility superintendent shall, in determining whether to grant the request for installment payment, ensure that the city obtains from the customer adequate assurance and security for payment of the amounts due. The agreement for installment payments shall be reduced to writing, and shall be signed by the customer. The director is authorized to accept from the customer a grant of lien against the real estate to which the additional or supplemental service was supplied, and for which the utility service is supplied, as security and guarantee of payment of the amounts due and owing under the installment agreement. The lien upon real estate shall be in such form as may be approved by the city attorney and shall continue and exist as a lien upon the real estate until the supplemental or additional charges due under the installment agreement have been paid in full. Any cost of recording the lien claim or of the release of lien claim upon payment in full shall be paid by the customer."

**SECTION 8:** That in all other respects, Chapter 32, Article II, Section 32-27(b) shall remain in full force and effect as previously adopted and/or amended.

**SECTION 9:** That Chapter 32, Article II, as amended, be further amended to add a new Section 32-28 for "Residential Utility Service Deposits" to read as follows:

**"Sec. 32-28. – Residential Utility Service Deposits.**

Any customer desiring utility services provided by the city shall make an initial deposit to the utilities office at the time of application in an amount varying from zero dollars (\$0.00) to three hundred dollars (\$300.00) as determined by the city's adopted Procedures Manual Governing Utility Service, as amended from time to time (the "Utility Procedure Manual").

Notwithstanding the foregoing, any previously existing customer may, upon application for utility services, be required to place an additional security deposit with the utilities office if the following conditions exist: (i) service to the customer has been disconnected for nonpayment of charges; (ii) late payment charges have been assessed to the customer four (4) or more times during the preceding twelve (12) month period; or (iii) the customer has been found to have tampered with any service meter or has obtained utility services illegally. The initial deposit and any additional security deposit shall be applied towards and credited to the customer's account in accordance with the city's Utility Procedure Manual."

**SECTION 10:** That in all other respects, Chapter 32, Article II shall remain in full force and effect as previously adopted and/or amended.

**SECTION 11:** That Chapter 32, Article III, Section 32-117, as amended, be further amended to read as follows:

**"Sec. 32-117. – Deposit of residential customers.**

No water shall be furnished to new residential customers until the customer shall have first deposited with the city such sums upon such terms as are required in section 32-28 of this chapter."

**SECTION 12:** That in all other respects, Chapter 32, Article III, Section 32-117 shall remain in full force and effect as previously adopted and/or amended.


**SECTION 13:** The foregoing amendments to the Rock Falls City Code shall take effect on and after July 1, 2019.

**SECTION 14:** The provisions and sections of this ordinance shall be deemed to be separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

**SECTION 15:** The City Clerk is directed to publish this ordinance in pamphlet form.

**SECTION 16:** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Passed by the Mayor and the City Council of the City of Rock Falls on the 21st day of May, 2019.

  
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Mayor

ATTEST:  
  
Deputy City Clerk



AYE

NAY

Wangelin

None

Snow

Kuhlemier

Schuneman

Kleckler

Folsom

Sobottka