

**CITY OF GIBSON
FORD COUNTY, ILLINOIS**

ORDINANCE NO. 2022-O-02

**AN ORDINANCE AMENDING CHAPTER 38 OF THE REVISED CODE OF
ORDINANCES OF GIBSON CITY, ILLINOIS TO ESTABLISH A WATER SHUTOFF
FEE AND TO AMEND THE WATER RECONNECTION FEE**

**Passed by the City Council and
Approved by the Mayor
of
City of Gibson, Illinois
on March 14, 2022**

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FORD COUNTY, ILLINOIS

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WHEREAS, The City of Gibson City, State of Illinois (the “City”) is a duly organized and existing City created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances for the benefit of the residents of the City; and

WHEREAS, The City Council previously adopted Chapter 38, Article II of the Revised Code of Ordinances “Rates and Regulations”; and

WHEREAS, the City has conducted various reviews of its water systems and has ascertained that in order to provide a continued level of service and in order to provide for a stable projection of income for future planning it is appropriate and necessary to make various adjustments of water rates; and

WHEREAS, the City deems it appropriate to amend Chapter 38, Article II of the Revised Code of Ordinances of Gibson City, Illinois to establish a water shutoff fee and amend the water reconnection fee all as provided herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Gibson City, Illinois as follows:

Section 1. Incorporation Clause.

The Mayor and City Council hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporated and make them part of this Ordinance.

Section 2. Purpose.

This Ordinance is to amend the Revised Code of Ordinances of Gibson City, Illinois to establish a water shutoff fee and amend the water reconnection fee.

Section 3.

Chapter 38-2-1(H)(2) of the Revised Code of Ordinances of Gibson City, Illinois is hereby amended to now read, in entirety, as follows:

“(2) Any customer who fails to pay their utility bills within **twenty-five (25) days** of presentation shall have the utility services disconnected. The City shall send a penalty bill to all persons who are delinquent in their utility bills. Once that notice has been delivered to the last known address of the customer, the entire amount of the bill shall be due and owing and shall be paid within **five (5) days** of such delivery. If payment is not received by the City within **five (5) days**, services shall be discontinued and a fee of **One-Hundred Dollars (\$100.00)** during regular City work days and **One-Hundred Fifty Dollars (\$150.00)** after hours and holidays for each disconnection of such utility services shall be added to the penalty bill (unless prior arrangements have been made), except that service will not be discontinued on a Saturday, Sunday or a legal holiday. Such discontinuation of service shall be in addition to, and not in lieu of, any other remedy for collection of such bill. Any order by a customer for disconnection or physical shutoff of such service shall incur a fee of One-Hundred Dollars (\$100.00) for each disconnection or shutoff. Transfer of an account without a shutoff of service shall not incur a disconnection fee. In the event that a disconnection call is made due to the affected premises lacking a total house shut off valve or an inoperable total house shutoff valve and the customer is able to subsequently provide City with evidence of its repair, the City shall discount its fee to **Twenty-Five Dollars (\$25.00)** for one time. Such discount will not be repeated in the future at that location. In order for any service which has been disconnected to be reconnected, the customer must make payment of any delinquent utility balance plus the cost of disconnection and the cost of reconnection.”

Section 4.

Chapter 38-2-1(H)(4) and (5) of the Revised Code of Ordinances of Gibson City, Illinois is hereby amended to now read, in entirety, as follows:

“(4) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **One-Hundred Dollars (\$100.00)** during regular City work days for each connection of such utility services, plus expenses incurred in the reconnection of utility services. The reconnection of services shall be done during “normal business hours” which are described on **Section 1-2-57(B)**. Any reconnection fees must be paid prior to reconnection.

(5) The customer has the option of requiring restoration of utilities during times other than “normal business hours”. Service to a customer for which utility services have been disconnected as described in paragraph (2) of this Section will be restored by the City during times other than “normal business hours” as described in **Section 1-2-57(B)** upon the customer making full payment of the delinquent bill plus any disconnection fee plus the off-time reconnection charge of **One-Hundred Fifty Dollars (\$150.00)**.”

Section 5.

Chapter 38-2-1(H) of the Revised Code of Ordinances of Gibson City, Illinois is hereby amended to now include the following:

“(6) It is unlawful for any third person to disconnect or cause to be disconnected, any City water supply line or any City sewer line. Any person found guilty of disconnecting or cause to be disconnected, any City water supply line or any City sewer line shall, upon conviction of such act, be fined **Five Hundred Dollars (\$500.00).**”

Section 6.

Chapter 38-8-11(D) of the Revised Code of Ordinances of Gibson City, Illinois is hereby amended to now read, in entirety, as follows:

“(D) **Water Turn Off/On Service Charge.** Any time a water department employee is called out, outside of his normal working hours, days off, Saturdays and Sundays or holidays to turn off or turn on a customer’s water service for a customer’s convenience (non-emergency) a service charge of **One-Hundred Fifty Dollars (\$150.00)** shall be charged to that customer for each call.”

Section 7.

All other portions of the Revised Code of Ordinances of Gibson City, Illinois not otherwise amended herein shall remain in full force and effect.

Section 8. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 9. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and of construction of any substantive provisions of this Ordinance.

Section 10. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 11. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 12. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Council Member Randy Wyant
With a second by Council Member Michelle Celaschi, roll call vote:

AYE VOTES:

7

NAY VOTES:

0

ABSTAIN:

0

ABSENT:

1

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE CITY OF GIBSON,
COUNTY OF FORD, STATE OF ILLINOIS, THIS 14TH DAY OF MARCH, 2022 A.D.

Daniel Dickey
Daniel Dickey, Mayor

ATTEST:

Janice L. Hill
City Clerk

(SEAL)

Recorded in the Municipal Records: March 14, 2022.
Published in pamphlet form: March 14, 2022.