

## ORDINANCE NO. F-1861

### **AN ORDINANCE AMENDING CHAPTER 74 (UTILITIES), ARTICLE VIII (COLLECTION OF FEES AND CHARGES), SECTION 74-338 (DELINQUENT PAYMENTS; ORDER TO DISCONTINUE SERVICE; REINSTATEMENT OF SERVICE)**

**WHEREAS**, the City of Wheaton (“City”) is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

**WHEREAS**, the City finds that it is in the best interests of its residents to maintain a code of ordinances that accurately reflects the process of collecting fees and charges; and

**WHEREAS**, the United States Supreme Court has ruled that customers have a right to a resolution process to discuss utilities that are subject to disconnection; and

**WHEREAS**, the City has reviewed its current policies and ordinances and determined that certain amendments to the code are appropriate given the decision of the Supreme Court.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority, that the Wheaton City Code 1996 is hereby amended to provide as follows:

**Section 1:** Chapter 74 Utilities, Article VIII Collection of Fees and Charges, Section 74-338 Delinquent payments; order to discontinue service; reinstatement of service, Subsection (a) is hereby amended by deleting it in its entirety and replacing it with the following:

- “(a) Statements rendered for water service, sanitary sewer service and stormwater management not paid within thirty (30) days of the billing date shall be deemed and are hereby declared delinquent. If payment is not made within thirty (30) days of the original billing date, the City will notify the customer that the utility service will be discontinued unless payment is received by the due date on the disconnection notice. During this period, which shall be no less than three (3) business days, the customer will be given the opportunity to be heard as to why the service should not be discontinued. If the customer prevails at the hearing, any amounts due after the review shall be paid within three (3) business days of the review decision. If the customer does not prevail, the amounts due shall be considered sustained and payment shall be made within three (3) business days of the review decision or the service shall be discontinued immediately after the three (3) days elapses. All services declared in default or delinquent shall be assessed an administrative charge in accordance with the fee schedule in Appendix B. In addition, such services will not be reinstated until all past due utility bills and charges are paid in full. If the customer is a lessee and fails to pay amounts due, the owner of the leased premises shall be responsible to pay all past due amounts and charges prior to the restoration of service. To reinstate service during normal business hours, an additional fee will be assessed in accordance with the fee schedule in Appendix B. To reinstate service after normal business hours, or on a Saturday, Sunday, or official holiday, an additional fee greater than that charged during normal business hours will be assessed in accordance with the fee schedule in Appendix B. The City Finance

Department and the City Attorney shall establish written guidelines for payment dispute hearings.”

**Section 2:** All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

**Section 3:** That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

**Section 4:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

Michael Gresk  
Mayor

ATTEST:

Ashley Bennett-Hagan  
City Clerk

Roll Call Vote

Ayes: Councilman Rutledge  
Mayor Gresk  
Councilman Saline  
Councilman Scalzo  
Councilman Suess  
Councilwoman Fitch  
Councilman Prendiville

Nays: None

Absent: None

Motion Carried Unanimously

Passed: May 4, 2015

Published: May 5, 2015