

CITY OF NOKOMIS

FILED
FEB 04 2016

Sandy [Signature]
COUNTY
CLERK

ORDINANCE NO. 2018

**AN ORDINANCE AMENDING SECTION 38-2-3, 38-2-6 (A) and 38-2-9
OF THE REVISED CODE OF ORDINANCES
OF THE CITY OF NOKOMIS, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL
OF THE
CITY OF NOKOMIS**

THIS 11TH DAY OF JANUARY 2016

**Published in pamphlet form by authority of the City Council of the City of Nokomis,
Montgomery County, Illinois, this 12th day of January, 2016.**

Ordinance No. 2018

**AN ORDINANCE AMENDING SECTION 38-2-3, 38-2-6(A) AND 38-2-9
OF THE REVISED CODE OF ORDINANCES
OF THE CITY OF NOKOMIS, ILLINOIS**

WHEREAS, it is deemed to be in the best interests of the residents of the City of Nokomis, Montgomery County, Illinois to amend Section 38-2-6(A) and 38-2-9 of the code;

WHEREAS, upon Motion duly made and seconded, the following is adopted by the City Council:

WHEREAS, Section 38-2-3 of the Revised Code of Ordinances **currently** states as follows:

38-2-3 **LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City.

WHEREAS, Section 38-2-6(A) of the Revised Code of Ordinances **currently** states as follows:

38-2-6 **UTILITY DEPOSITS.**

(A) **Users.**

- (1) **Users That Are Property Owners.** A Utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the owner discontinues use from the City at which time the deposit will be returned to the owner, provided however, that said user shall have paid for all utility service and charges. If the owner has paid for usage for **twelve (12) continuous months** in timely fashion, the deposit will be returned at that time.
- (2) **Users Other Than Property Owners.** A utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the user discontinues use from the City at which time the deposit will be returned to the user, provided however, that said user shall have paid for all utility service and charges. (**Ord. No. 944; 05-12-08**)

WHEREAS, Section 38-2-9 of the Revised Code of Ordinances **currently** states as follows:

38-2-9 **SHUT OFF – TURN-ON – CALL OUT FEES.** The user shall pay a fee of **Fifty Dollars (\$50.00)** for temporary shut off of water service to the premises other than during the hours of **8:00 A.M. to 4:00 P.M.** Monday through Friday. No fee shall be due upon termination of service, other than as stated above.

After a shut off that has been made for the aforesaid reasons, the user or owner shall install a stop and waste cock on every supply pipe just inside the building before water service shall be restored to the premises. The user or owner shall also be present when the water is shut off and turned on unless a waiver releasing the City from all liability is signed. See **Section 38-3-22** for materials to be used. **(Ord. No. 992; 04-08-13)**

BE IT ORDAINED, that the above-mentioned paragraphs shall be deleted from the City Code.

BE IT ORDAINED by the Council of the City of Nokomis as follows:

38-2-3 **LIABILITY FOR CHARGES.** The owner, occupant, or the user of services of any lot, parcel of land or premises shall be liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be liable therefore to the City.

38-2-6 **UTILITY DEPOSITS.**

(A) **Users.**

- (1) **Users That Are Property Owners.** A Utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the owner discontinues use from the City at which time the deposit will be returned to the owner, provided however, that said user shall have paid for all utility service and charges. If the owner has paid for usage for **twelve (12) continuous months** in timely fashion, the deposit will be returned at that time.
- (2) **Users Other Than Property Owners.** A utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the user discontinues use from the City at which time the deposit will be returned to the user, provided however, that said user shall have paid for all utility service and charges. If the renter/contract-for-deed tenant has paid for usage for **twenty-four (24) continuous months** in timely fashion, the deposit will be returned at that time.

38-2-9 **SHUT OFF – TURN-ON – CALL OUT FEES.** The user shall pay a fee of **Fifty Dollars (\$50.00)** for temporary shut off of water service to the premises other than during the hours of **8:00 A.M. to 4:00 P.M.** Monday through Friday. No fee shall be due upon termination of service, other than as stated above.

If a user has water service shut off for a delinquent account, and the utility deposit was previously returned to them, a new utility deposit in the amount of **ONE HUNDRED FIFTY DOLLARS (\$150.00)** will be required prior to water service being turned back on. See Section 38-2-6 for new utility deposit refunds.

After a shut off that has been made for the aforesaid reasons, the user or owner shall install a stop and waste cock on every supply pipe just inside the building before water service shall be restored to the premises. The user or owner shall also be present when the water is shut off and turned on unless a waiver releasing the City from all liability is signed. See **Section 38-3-22** for materials to be used.

BE IT ORDAINED, this Amendment shall be published in pamphlet form and take effect thereafter.

Passed by the City Council and signed by the Mayor of the City of Nokomis, Illinois this 11th day of January, 2016.



Terry Hill, Mayor

Voted

Commissioner Voyles	<u>Yes</u>
Commissioner Brookshire	<u>Yes</u>
Commissioner Lehn	<u>Yes</u>
Commissioner Voils	<u>Yes</u>
Mayor Hill	<u>Yes</u>

(CORPORATE SEAL)

ATTEST:



Angela Keagy, City Clerk

STATE OF ILLINOIS)
) **ss.**
COUNTY OF MONTGOMERY)
CERTIFICATE OF PUBLICATION)

I, Angela Keagy, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on January 11, 2016, the City Council of such municipality passed and approved Ordinance No. 2018, entitled AN ORDINANCE AMENDING SECTION 38-2-3, 38-2-6 (A) AND 38-2-9 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2018, including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on January 12, 2016 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

DATED at Nokomis, Illinois, this 11th day of January, 2016.

(SEAL)



ANGELA KEAGY, CITY CLERK