

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage system and every person, company or corporation, hereinafter called a "**customer**" who accepts and uses City water and sewer services shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Billing; Utility Shut-off; Hearing.**

(1) All bills for utility services shall be due and payable upon presentation which will usually be the **first (1st) day** of the month. If a bill is not paid by the **fifteenth (15th) day** of the month, a penalty equal to **Ten Dollars (\$10.00) or ten percent (10%)** of the amount due on said bill, whichever is higher, shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services. **(Ord. No. 937; 04-09-07)**

- (2) Any customer who fails to pay the utility bills within **twenty (20) days** of presentation shall have the utility services disconnected after a written notice by the Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **fifteen (15) days** after billing, specifically advising the customer of the following:
 - (a) Name and address of the customer and amount of the bill.
 - (b) The date, time, and location of the hearing to be held.
 - (c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
 - (d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
 - (e) The date of termination.
- (3) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the City based on the information received at the hearing.
- (4) The customer shall be notified within **two (2) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the City shall also have the right to terminate the customer's utility services without further proceedings.
- (6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.
- (7) Once the date of disconnection is reached, the same shall not be again connected or used until all delinquent accounts and current bills of service are paid in full, including an additional fee of **Fifty Dollars (\$50.00)** for each utility service, plus expenses incurred in the reconnecting of the utility services. This policy applies to each and every utility service whether or not the service is actually disconnected. **(Ord. No. 937; 04-09-07)**
- (8) The City may also make use of credit bureaus to report late payments and failures to pay water and sewer bills. **(Ord. No. 937; 04-09-07)**

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Treasurer has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City.

The City Attorney is hereby authorized to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **ninety (90) days** after it has been rendered.

38-2-2 CONSUMER LISTS. It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

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 therefor to the City. **(Ord. No. 2018; 07-11-16)**

38-2-4 ESTIMATED CHARGE. Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 NO FREE UTILITY SERVICE. No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

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. **(Ord. No. 2018; 01-11-16)**

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit.

38-2-7 FREE SERVICE; METERS. No free service of the combined waterworks and sewerage system shall be furnished to any user, either a person, firm, organization or corporation, public or private. Every user of the combined waterworks system shall have a meter. It shall be the duty of the Superintendent of the combined waterworks and sewerage system of the City to maintain all meters of the system in good and accurate working condition, and to replace all meters as he shall determine have become inaccurate or faulty. Also, he shall report the master meter reading to the City Clerk on the **first (1st)** of each month.

The City shall hereafter be divided into **two (2) sections**, one section being designated "Section A" and the other section being designated as "Section B" for the determination and collection of water and sewer rates in the City. The water and sewer users in the respective sections shall be billed in alternate months. The City Council shall determine the respective months for the determination and billing of the water users in each section. **(Ord. No. 785; 05-26-92)**

38-2-8 TESTING METERS. Any water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of **Twenty-Five Dollars (\$25.00)**. If upon the testing of the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the fee returned to the consumer.

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. **(Ord. No. 2018; 01-11-16)**

ANIMALS 3-2-7

3-2-7 LICENSE. The City Clerk shall issue animal licenses and is authorized to collect a fee of **Five Dollars (\$5.00)** for each license issued. Every animal owner shall obtain a license each year for each animal owned or kept in the City. License shall be valid for a period from **January 1** until **December 31** of the same year. If the animal owner acquires an animal after **January 1**, the license shall be required at the time that the animal is acquired. Nothing contained herein shall alter the existing requirement for each animal owner to obtain a license pursuant to previous Article. The license fee shall be **Five Dollars (\$5.00)** for the license year regardless of whether the license is issued for **twelve (12) months** or for a shorter period of time. The City Clerk shall furnish the animal owner a license tag and a written receipt for each animal license issued. Every owner of an animal shall keep a collar around the animal's neck and shall keep the license tag firmly attached thereto unless otherwise not recommended by a licensed veterinarian. Replacement tags shall be available for **One Dollar (\$1.00)** per tag. The failure to obtain a license shall be punishable by a fine as provided by **Section 3-2-18** of this Article.

3-2-8 ANIMALS PROHIBITED FROM RUNNING LOOSE AND IMPOUNDING. It is hereby declared to be a nuisance for any animal to run at large at any time within the corporate limits of the City. An animal shall be considered to be running at large when it is not controlled by a leash having a maximum length of not more than **ten (10) feet**, confined in an animal tight cage or enclosure, while confined within a vehicle being driven or parked on a street, or within the property limits of its owner. Such animals may be taken up by the Chief of Police, any police officer, dog catcher, designated pound keeper, or other such official or employee of the City as designated by the Mayor of the City Council, and placed in a pound designated by the City. When animals are apprehended and impounded, the owner, if known, shall be given notice of not less than **five (5) days** by the City Clerk or some other City official. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of such official who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such animal. In the case the owner of any such impounded animal desires to make redemption thereof, he may do so on the following conditions:

(A) He or she shall present evidence of compliance with **Sections 3-2-3** and **3-2-4** of this Article.

(B) He or she shall pay for the boarding of the animal for the period for which it was impounded, together with all other expenses incurred by the City in connection with capturing and impounding the animal.

(C) He shall pay an additional **Seventy-Five Dollars (\$75.00)** as a penalty for the first offense, **One Hundred Fifty Dollars (\$150.00)** for the second offense and **Two Hundred Fifty Dollars (\$250.00)** for each subsequent offense. This penalty shall be in addition to other penalties invoked by this Article or imposed by a court.

Any animal not redeemed by the owner within **five (5) days** from the time it was impounded may be destroyed, offered for adoption, or otherwise disposed of by a licensed veterinarian. **(Ord. No. 2032; 10-10-16)**

3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such animal disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of the animal and shall cite the owner or keeper of such animal to answer charges of violation of this Chapter.

3-2-10 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any animal into the City for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any animal therefrom without having first paid the fees herein specified, or any owner or keeper of any animal who shall permit any animal to run at large within the corporate limits of the City, upon conviction of any part of this Chapter shall be fined according to **Chapter 1 - Administration** of this Code.

3-2-11 IMPOUNDMENT OF ANIMALS WHICH HAVE BITTEN PERSONS. Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other animals for **ten (10) days**. If, during that period, such animal develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such animal shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such animal cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the **ten (10) days** no symptoms of rabies have developed in such animal so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any animal so impounded for biting a person shall have previously bitten any person, such animal shall be humanely destroyed by the poundkeeper. After having been notified that the animal has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled.

3-2-12 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

NUISANCES 25-1-1

(J) **Burn-out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner, except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and/or carry on any offensive or unwholesome business within the limits of the City or within **one and one-half (1 ½) miles** of the limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer, or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulations of Junk and Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

NUISANCES 25-2-7

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-2-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after lien is in effect for **sixty (60) days.** (See **65 ILCS Secs. 5/11-20-6 and 5/11-20-7**)

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 NOTICE TO PERSON. The Mayor, Chief of Police, or the Mayor's designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

ARTICLE XI - OPEN BURNING

27-11-1 DEFINITIONS.

"Garbage"shall mean wastes resulting from the handling, preparation, cooking and consumption of food and/or the wastes from the handling and storage of produce.

"Rubbish" shall mean combustible trash, including furniture, bedding, roofing materials, magazines, books, plastics and other smoldering type items.

"Yard Waste"shall mean any vegetable or plant material, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

27-11-2 PROHIBITIONS. It shall be unlawful to burn garbage and rubbish within the City limits. However, nothing shall prohibit the operation of an incinerator in accordance with the rules and regulations of the Illinois Pollution Control Board. Burning shall be subject to the following restrictions:

(A) Burning shall not commence prior to **8:00 A.M.** nor shall it be allowed later than sunset.

(B) No burning permitted when wind speeds exceed **ten (10) miles per hour.**

(C) Burning shall not become a nuisance, annoyance or discomfort by reason of the emission of smoke or noxious odor.

(D) Any person burning shall cease immediately upon the request to do so from the police or fire department.

(E) Burning activities shall be supervised and attended.

(F) Material shall not be transported into the City from outside the City by any person for disposal through burning.

(G) Commercial establishments and residents shall not burn, except as provided by the regulations of this Code.

(H) The burning of yard waste shall be permitted year round.

(I) No burning of yard waste is permitted on the surface on any street, alley, or sidewalk.

(Ord. No. 917; 11-08-04)

CHAPTER 28

PARKS

ARTICLE I - REGULATIONS

28-1-1 PARK HOURS.

(A) The City Park, shall be open to the public daily from **7:00 A.M.** in the morning until **10:00 P.M.** in the evening.

(B) No person, except City personnel on official business shall remain in the park at any other time unless he has obtained a permit from the City Council or is engaged in a City sanctioned activity.

28-1-2 DESTRUCTION OF PARK PROPERTY. Within the municipal park, no person, except park personnel on official business, shall:

(A) Cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;

(B) Kill, cause to be killed, or pursue with intent to kill, any bird, or animal;

(C) Willfully mutilate, injure, or destroy any building, table, bench, monument, or other park property or appurtenances.

28-1-3 LITTERING, WATER POLLUTION.

(A) No person shall deposit any trash within the municipal park except in proper receptacles where these are provided. Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence, and be properly disposed of elsewhere.

(B) No person shall discharge, or otherwise place or cause to be placed in the storm sewer or drain, any substance or thing, liquid or solid, which will or may result in the pollution of the storm sewers.

28-1-4 FIRES IN PARK. No person shall light or use any unenclosed picnic fire within the municipal parks.

28-1-5 PICNICS. No person shall picnic in the municipal park, except in areas designated for that purpose, if any. Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.