

ORDINANCE NO. 2019-19

ORDINANCE ADJUSTING PART OF REFUSE/SEWER/WATER BILL FOR AUGUST 2019 BILLING CYCLE FOR ACCOUNT # 001-07590-00 AT 107 E. 2<sup>ND</sup> STREET, PECATONICA, ILLINOIS

WHEREAS, the Village of Pecatonica (“Village”) owns, operates, and maintains a “combined waterworks and sewerage system” as authorized by Section 5/11-139-1 *et seq.* of the Illinois Municipal Code (65 ILCS 5/11-39-1 *et seq.*); and

WHEREAS, Section 5/11-39-8 authorizes the Village to charge the inhabitants of the village a reasonable compensation for the use and service of the combined waterworks and sewerage system and to establish rates for that purpose; and further authorizes the Village to establish separate rates for water and sewer services respectively; and

WHEREAS, the Village has adopted separate rates for water and sewer usage in its Village Code under Sections 50.41 and 51.35 respectively; and

WHEREAS, sewer usage rates are established and fixed under Section 51.35 of the Village Code; and

WHEREAS, Section 51.35(D)(1) states that sewer rates are based on the amount of water used; and

WHEREAS, during calendar year 2019 the basic rate for sewer usage is \$16.08 for zero gallons of water used and \$0.86 for each and every 100 gallons of water used thereafter; and

WHEREAS, Refuse/Sewer/Water billing Account #001-07590-00 was billed \$314.06 for the month of August 2019 based on water used of 17,500 gallons, which amount was 16,500 gallons higher than the previous eleven (11) month average at the property commonly known as “107 East 2<sup>nd</sup> Street, Pecatonica; and

WHEREAS, the owner and account holder, Mr. Kenneth Weires, did file a written appeal as to the amount of the bill for Account# 001-07590-00 for August 2019 and did appear before the Village Board of Trustees during a meeting of the Committee of the Whole on September 5, 2019 to request relief and the reasons therefore; and

WHEREAS, after hearing Mr. Weires the Village Board, acting in its capacity as a Committee of the Whole, did refer the matter to the Board of Trustees at its next regularly scheduled meeting on September 17, 2019 to consider an ordinance granting Mr. Weires a reduction in the amount billed for sewer usage charged for August 2019; and

WHEREAS, the Village Board has determined that special circumstances do exist to warrant an adjustment to the total amount charged for sewer usage in August 2019 for

Account #001-07590-00 in that: (1) the extreme difference in water usage was caused by a leak in the water line located in basement of 107 East 2<sup>nd</sup> Street which was undetected by the user for numerous days, (2) the basement was a dirt floor and did not have a drain, and (3) as a result the water leaked did not enter into the sewerage system and the reading based on water used did not accurately reflect the subject account's use of the sewerage system; and

WHEREAS, in the interest of equity and billing accuracy the Village Board has decided to adjust the sewer charge for August 2019 for Account #001-07590-00 from 17,500 gallons to the average usage over the preceding eleven (11) months or 1,000 gallons.

BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Pecatonica, Illinois:

Section 1. The above recitals are incorporated herein and made a part hereof by reference.

Section 2. The August 2019 bill for sewer services for Account# 00107590-00 is hereby adjusted from 17,500 gallons of water used to 1,000 gallons of water used.

Section 3. The Village Clerk is hereby commanded to adjust the August 2019 refuse/sewer/water billing accordingly to reflect the adjustment approved herein.

Section 4. Account #001-07590-00 will not be charged late fees for failure to timely pay the August 2019 bill provided the adjusted bill is paid within 14 days after receipt of same.

Section 5. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law. This ordinance shall be published in pamphlet form.

MOTION BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

PASSED by the President and Board of Trustees this \_\_\_\_ day of September, 2019.

APPROVED by the President of the Village of Pecatonica, Illinois this \_\_\_\_ day of September, 2019.

BY: \_\_\_\_\_  
WILLIAM SMULL, Village President  
Village of Pecatonica, Illinois

ATTEST:

\_\_\_\_\_  
GWENN SHIRLEY, Village Clerk  
Village of Pecatonica, Illinois