

ORDINANCE NO. O2020-29

AN ORDINANCE TEMPORARILY WAIVING AND SUSPENDING THE ENFORCMENT OF SECTIONS 7-4C-6, 7-4C-8, 7-4C-10, AND 7-4C-11 OF THE WARRENVILLE CITY CODE REGARDING DELINQUENT WATER AND SEWER ACCOUNTS

WHEREAS, Article C of Chapter 4 of Title 7 of the Warrenville City Code ("**City Code**") sets forth regulations regarding rates, billing, and collection for water and sewer service within the City; and

WHEREAS, Sections 7-4C-6, 7-4C-8, 7-4C-10, and 7-4C-11 of the Warrenville City Code provide for late fees for delinquent water and sewer accounts, water service termination, and water service restoration fees; and

WHEREAS, on April 6, 2020, the City Council adopted Ordinance No. 2020-18, temporarily waiving and suspending the enforcement of Sections 7-4C-6, 7-4C-8, 7-4C-10, and 7-4C-11 of the City Code ("**Temporary Enforcement Waiver**") in order to address the hardships caused by the measures taken to confront the COVID-19 public health emergency; and

WHEREAS, the Temporary Enforcement Waiver expired on June 30, 2020; and

WHEREAS, pursuant to the City's home rule powers, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve a second Temporary Enforcement Waiver through and including September 30, 2020, in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Temporary Enforcement Waiver. The City Council hereby temporarily waives, and directs staff to suspend, the enforcement of Sections 7-4C-6, 7-4C-8, 7-4C-10, and 7-4C-11 of the City Code for the period beginning on the effective date of this Ordinance and ending September 30, 2020. The City Council further directs staff revisit the Temporary Enforcement Waiver prior to September 30, 2020 to determine if another extension is needed.

SECTION 3: Effective Date. This Ordinance shall be in full force and effect upon the occurrence of its passage, approval in the manner provided by law.

[Signatures and Voting Record on Following Page]

PASSED THIS ____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ day of _____, 2020.

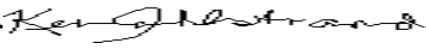
MAYOR

ATTEST:

CITY CLERK

CITY OF WARRENVILLE

MEMO

To: Mayor and City Council
Cc: John Coakley, City Administrator
From: Kevin Dahlstrand, Finance Director 
Subject: Water and Sewer Penalties
Date: July 29, 2020

On April 6, 2020, the City Council passed ordinance O2020-18 authorizing:

- 1) Immediate suspension of the ten percent (10%) late charges required by section 7-4C-6 of the City Code, when water and sewer remain unpaid 30 days past the billing date, which is generally the 10th of the month. That was applicable to all bills issued in March, April, and May, 2020, and which were due to the City by April 10, May 10, and June 10, 2020, respectively. This has the effect of extending the due date for the bills issued.

The financial impact to the Water and Sewer Fund was estimated at \$8,800 in Penalty Income, over the three months being proposed for the suspension. That was based upon a three year history of penalty income.

- 2) Immediate suspension of water service disconnections for non-payment of water and sewer bills as required in sections 7-4C8, 7-4C10 and 7-4C-11 of the City Code. The would be also be applicable to all bills issued in March, April, and May, 2020, and which would be due to the City by April 10, May 10, and June 10, 2020, respectively. These turn offs generally occur towards the end of the month.

The financial impact to the Water and Sewer Fund was estimated at \$750 in restoration (turn-on) fee, over the three months of the suspension. That was based upon an average of ten (10) service turn-offs per month over the past three years.

Resulting from discussions held during an EMRP workgroup meeting on July 29, it is being recommended that a second moratorium on penalties and turn-offs be instituted, effective immediately and lasting through September 30, 2020. This will allow residents who may be financially impacted by the effects of the COVID-19 pandemic restrictions, additional time to make payments to the City for their water and sewer utility bills, without the fear of incurring penalty fees or having their water service discontinued for failure to pay.

City Council Action Requested: Accept staff recommendation, waive second reading, and pass ordinance O2020-XX, authorizing the temporary suspension of City Code sections 7-4C-6, 7-4C-8, 7-4C-10, and 7-4C-11, regarding delinquent water and sewer accounts through September 30, 2020, and direct staff to revisit the new moratorium prior to the expiration to determine if another extension is needed

Excerpts from Warrenville City Code

7-4C-6: WHEN PAYABLE 1 :

Statements for water and sewer charges shall be due and payable when rendered. If such statements remain unpaid thirty (30) days following the billing date, there shall be added to such statements a charge in the amount of ten percent (10%) of the current charges. The late charge date and the total amount due thereafter shall be separately listed on such statements. (Ord. 1378, 3-20-1995)

7-4C-8: SHUTTING OFF WATER:

Immediately upon the delinquency of an account for water or sewer, the finance director or his designee shall notify the customer prior to termination of service. Said written notice of termination shall include the proposed date of termination and a brief description of the procedure for challenging the termination. There shall be added to the delinquent amount a notification fee of twenty five dollars (\$25.00) to cover the cost of processing and delivering the notice of termination of water service. (Ord. 1617, 10-6-1997)

7-4C-10: TERMINATING SERVICE:

Service may also be terminated when any customer violates any provision of this chapter or any rule or regulation of the building code plumbing requirements. The procedure for terminating service shall be governed by section 7-4C-9 of this article. (Ord. 503, 4-21-1980, eff. 5-1-1980)

7-4C-11: RESTORATION OF WATER SERVICE:

If water service has been terminated, the water shall not be turned on again until all arrearages, both as to water charges and sewer charges, together with any respective penalties, shall have been paid. There shall be paid, prior to the renewal of water service after disconnection by the finance director for delinquency or at the request of the user, a charge of twenty five dollars (\$25.00) to cover the cost of shutting off and turning on the water. (Ord. 1007, 11-21-1988; amd. Ord. 1617, 10-6-1997)