

ORDINANCE NO. 725

AN ORDINANCE AMENDING TITLE 13 OF THE VILLAGE CODE WITH  
RESPECT TO PUBLIC UTILITIES

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
GREENUP, IL  
THIS 6th DAY OF MAY 2024

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY  
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP,  
CUMBERLAND COUNTY, ILLINOIS  
THIS 9th DAY OF May, 2024

ORDINANCE NO. 725

**AN ORDINANCE AMENDING TITLE 13 OF THE VILLAGE CODE WITH  
RESPECT TO PUBLIC UTILITIES**

**WHEREAS**, the Village of Greenup, Illinois is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois; and

**WHEREAS**, the Village of Greenup is authorized to enact such rules and regulations for Public Utilities by and through Chapter 13.20; and

**WHEREAS**, the Corporate Authorities of the Village of Greenup have determined that it is necessary to amend its existing ordinance regulating public utilities.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Village of Greenup, Illinois, as follows.

**Section 1: INCORPORATION OF RECITALS** – The recitals contained in the preamble of this Ordinance are incorporated in this Ordinance as if set out fully herein.

**Section 2: AMENDMENT** – Title 13 is hereby amended by adding the bold, underlined language and deleting the stricken language to read as evidenced in Exhibit A:

**Section 3: SEVERABILITY** – In the event that any section, clause, provision or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all parts that are severable shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**Section 4: CONFLICTING ORDINANCES** – All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; provided however that nothing herein contained shall affect any rights, actions, or causes of actions which shall have accrued to the village prior to the effective date of this ordinance.

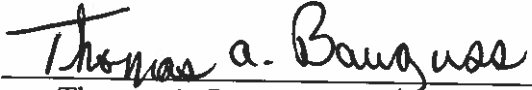
**Section 5: EFFECTIVE DATE** – This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Present and passed this 6th day of May 2024.

Alene Blade	<u>  X  </u>
April Harris	<u>  X  </u>
Josh Kingery	<u>  X  </u>
Max McCullough	<u>  X  </u>
Sherry Parker	<u>  X  </u>
Tony Wright	<u>  X  </u>

AYES	<u>  6  </u>
NAYS	<u>  0  </u>
ABSENT	<u>  0  </u>
ABSTAIN	<u>  0  </u>

Approved this 6<sup>th</sup> day of May, 2024.

  
\_\_\_\_\_  
Thomas A. Bauguss  
President of the Village Board

ATTEST:

  
\_\_\_\_\_  
Jill Kimble, Village Clerk

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF CUMBERLAND        )

CERTIFICATE

I, Jill Kimble, certify that I am the duly elected and acting Municipal Clerk of the Village of Greenup, Cumberland County, Illinois.

I further certify that on May 6<sup>th</sup>, 2024, the Corporate Authorities of such municipality passed and approved Ordinance No. 725 entitled "AN ORDINANCE AMENDING TITLE 13 OF THE VILLAGE CODE WITH RESPECT TO PUBLIC UTILITIES", which provided by its terms that it should be published in pamphlet form.

The pamphlet form or Ordinance No. 725, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on May 9<sup>th</sup>, 2024 and continuing for at least ten days thereafter.

Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Greenup, Illinois this 9<sup>th</sup> day of May, 2024.

(SEAL)

  
\_\_\_\_\_  
Jill Kimble, Village Clerk

**EXHIBIT A**

**13.02.010 Reconnection fee.**

- A. Should the electric, gas or water service to any user of the services provided by the village be disconnected for nonpayment of bill, the services shall not be reconnected unless on until the user has paid all utility bills, (including sewer), owed by him or her to the village, together with a penalty fee charge ~~of one hundred fifty dollars~~ for reconnecting **each utility** of nonpayment accounts **as set forth in Section 13.36.010, and a fee charge for reconnecting each utility** after normal business hours **as set forth in Section 13.36.010**, which penalty charge shall be in addition to the deposit fee for utility service.

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**13.02.030 Tenant nonpayment of service charges.**

In the event any tenant fails to pay service charges for use of water, electric, gas or sewer, the landowner shall be responsible for payments of same and the unpaid amounts shall constitute a lien on the property until paid. For purposes of this section, "tenant" includes any consumer that rents property, that is buying on contract, or that resides on property with the consent of the owner. (~~Ord. 24-6-A §E, 1981; Ord. 246 §4, 1979~~). **Non-payment of tenants shall be the responsibility of the Landlord. New tenant utilities will not be transferred until delinquency of prior tenant is paid in full. Village will make reasonable effort (48 hours in advance) to contact Landlord prior to disconnections. Landlord will not choose whether to allow disconnection or not by the Village.**

**13.02.40 Utility Deposit Fees.**

**The deposit to secure payment of utilities (water, electricity, and gas) shall be paid prior to the commencement of service and shall be in the amount as set forth in Section 13.36.010.**

**13.02.050 Tampering With Utilities - Fine.**

**It is unlawful for any person, firm, partnership, association or corporation to change, alter or tamper with any utility in the village without the express and written consent of the president of the village board of trustees and at least two members of the electric light committee. The fine for tampering with utilities are as set forth in Section 13.36.010.**

**13.04.021 Disconnect**

**All electric upgrades and new construction will require the installation of a breaker/disconnect switch at the bottom of the electric meter.**

**13.04.022 Generators**

**All generators and back up generators will be required to have the wiring transfer switch installed by a licensed electrician.**

**13.02.060 Uncontrolled Forces – Failure to Perform**

**Neither the municipal utility company nor the qualifying facility shall be considered to be in default with respect to any obligation under this title, other than the obligation of a party to make payments of amount due another party under this title, if failure of performance shall be due to uncontrollable forces. The term "uncontrollable forces" meaning any cause beyond the control of the party affected, including, but not limited to, failure of facilities, flood, earthquake, storm, fire, lightning, epidemic, war, riot, civil disturbance, sabotage, inability to obtain rights of way, permits, licenses, and authorizations from any local, state or federal agency or person for any of the facilities or equipment required to provide service under this chapter, and restraint by court or public authority, which by exercise of due foresight such party could not reasonably have been expected to avoid, and which by the exercise of due diligence it be unable to overcome. A party shall not, however, be relieved of liability for failure of performance if such failure is due to removable or remediable causes which it fails to remove or remedy with reasonable dispatch.**

**13.02.070 Responsibilities – Utility Connection**

**Water and Gas Connection – the Village is responsible only for piping, connections and meter.**

**Sewer – the customer is responsible for sewer connection at sewer main building structure.**

**Electricity:**

**Overhead connections – the customer is responsible for connection after weather head on customer's side.**

**Underground connections – the customer is responsible for all underground utilities with the exception of the meter.**

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**13.08.025 Policy on giving customers credit against electrical service charges due to overages or overcharges is determined to be the result of a failure in Village of Greenup equipment or supply.**

**The following shall be the policy of the Village of Greenup, Illinois, with respect to giving customers credit against electrical service charges due to overages or overcharges related to electric meter failure or malfunction when such overage or overcharge is determined to be the result of a failure in Village of Greenup equipment or supply.**

**A. It shall be the responsibility of the customer to monitor their monthly utility bill for any sudden or unusual increase in electrical usage or fees. Increases during winter and summer months are somewhat normal due to increased heating costs for "all electric" users and cooling costs while operating air conditioners.**

**B. In the event that a customer notices a sudden or unusual increase in electrical usage or fees at their service location, the customer shall notify the Village of Greenup as soon as possible. Village of Greenup Personnel will then review monthly meter readings and evaluate the service location usage history.**

**C. If it is determined that the increase can be attributed to seasonal usage changes or is comparable to previous usage history, no further action will be taken.**

**D. The customer may request that the service location electric meter be removed and sent for testing to determine accuracy and functionality at the customer's expense. In the event the meter tests faulty, the Village of Greenup will waive the charges for testing.**

**E. In the event the service location electric meter is determined to be faulty, the Village of Greenup will determine an average of the previous five (5) years electric usage and fees during the same months. The customer will then be credited the difference for no more than two (2) consecutive months of overage or overcharge.**

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**13.08.055 Meter Installation Fee.**

A. The fee for the initial installation of an electric meter shall be paid prior to installation and shall be ~~fifty dollars~~ **as set forth in Section 13.36.010.**

B. The deposit to secure the payment of electric use shall be ~~one hundred thirty dollars~~ **as set forth in Section 13.36.010** for an applicant using electricity as the primary source of energy for heating the applicant's structure. The deposit shall be paid prior to commencement of service to the applicant. For purposes of this section, electricity shall be considered the primary source of energy for heating the applicant's structure if no other energy sources provide more than fifty percent of the heating needs of the applicant's structure. In the event of disagreement on source of heating energy, the burden shall be on applicant to show that other energy sources besides electricity provide more than fifty percent of the heating needs. (Ord. 246-A §B, 1981; Ord. 246 §2, 1979).

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**13.12.025 Line installation and fee deposit**

A. The fee for installation of gas lines for any applicant for natural gas service shall be paid prior to installation and shall be as follows set forth in Section 13.36.010.

~~1. For up to one hundred feet of three-fourth inch gas pipe, meter and labor to install, the sum of two hundred dollars;~~

~~2. For three-quarter inch gas line in excess of one hundred feet, the sum of one dollar and fifty cents per foot, which sum includes labor;~~

~~3. For installation of meter on existing gas line, the sum of eighty dollars;~~

~~4. For all service over three-fourths inch, the actual cost of material and labor as calculated by the village superintendent of utilities.~~

B. The deposit to secure the payment of natural gas use shall be ~~eighty dollars~~ **as set forth in Section 13.36.010** and shall be paid prior to commencement of service to the applicant. (Ord. 246-A §C, 1981).

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#### **13.12.035 Seasonal Shut-off and Turn On of Gas**

**Seasonal shut-off or turn on of gas utility will be a fee of \$75.00.**

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#### **13.12.055 Policy on giving customers reimbursement for parts, labor or any other expenses related to gas service failure when such failure is determined to be the result of a failure in Village of Greenup equipment or supply.**

**The following shall be the policy of the Village of Greenup, Illinois, with respect to giving customers reimbursement for parts, labor or any other expenses related to gas service failure when such failure is determined to be the result of a failure in Village of Greenup equipment or supply.**

**A. In the event that a gas appliance failure or malfunction is discovered at a customer's service location, it shall be the responsibility of the customer to determine if gas service is available at the service location before having any repairs made. This determination should be done by a trained or licensed professional.**

**B. In the event that it is determined that there is no gas service present, no gas appliance repairs should be made until contacting the Village of Greenup to determine if gas service interruption is the result of a failure in Village of Greenup equipment or supply or the result of an issue with the customer's gas line.**

**C. If it is determined that there is a failure in the Village of Greenup equipment or supply by Village Personnel, said equipment or supply shall be repaired by the Village of Greenup before any repairs, if needed, are completed to the customer's appliance.**

**D. Any reimbursement for parts, labor or other expenses to a customer shall be made only if it is determined that said repairs were necessary as a direct result of a failure in Village of**



**Greenup equipment or supply. Failure to have the customer's gas service checked by the Village of Greenup prior to any repairs shall exempt the Village of Greenup from any and all expense reimbursement for said repairs.**

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**13.16.200      Runoff and groundwater connection.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, **basements, crawl spaces, sump pumps,** or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (~~Ord. 262 Ch. 0 Art. 3 §10, 1981~~).

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**13.20.020      Application--Deposit required Refund**

A. No water shall be turned on for on or in any premises until an application for in writing has been made for that purpose and filed with the village clerk stating the pose for which the water be used. If the applicant is the owner of the premise, or is lease tenant or in legal possession of the premises under any contract or agreement, such applicant shall deposit with the application **the amount set forth in Section 13.36.010.**

- ~~1. The sum of one hundred twenty five dollars for three fourths inch service;~~
- ~~2. The sum of two hundred dollars for one inch service;~~
- ~~3. The sum of four hundred dollars for two inch service;~~
- ~~4. The actual cost of material used all over two inch service.~~

...

**13.20.025      Water line installation fee.**

A. The fee for initial installation of waterlines for any applicant for water service shall be paid prior to installation and shall be as follows **as set forth in Section 13.36.010.**

- ~~1. The sum of two hundred fifty dollars for three-fourths inch service;~~
- ~~2. The sum of three hundred twenty five dollars for one inch service;~~
- ~~3. The sum of five hundred twenty five dollars for two inch service;~~
- ~~4. The actual cost of material used for all over two inch service.~~

B. The deposit to secure the payment of water use shall be ~~twenty dollars~~ **in the amount as set forth in Section 13.36.010** and shall be paid prior to commencement of service to the applicant. (~~Ord. 246 -A §A,1981 : Ord. 246 §1, 1979~~).

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**13.20.110      Water for building construction purposes-Procedure**

Persons or corporations desiring to use village water for building or construction

purposes shall make application therefore in writing and file the same in the office of the village clerk on a form provided for that purpose. Upon a permit being granted (permits shall be issued in writing and signed by the superintendent of the waterworks), the service pipe shall be carried at the expense of the applicant to the inside of the curb line, where a service ~~cock~~ **valve** and meter shall be placed, with pipe leading to the surface, ~~and a faucet placed at the end thereof above the surface.~~ When the building or construction work is completed ~~the faucet and meter shall be removed and the water shut off,~~ unless permanent connection is made. Charge for the use and connection of meters shall be as prescribed by the board of trustees. (Ord. 16A §11, 1939).

**Water shutoff valves are required within 18" of foundation.**

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**13.20.115 Emergency Water Shutoff by Property Owner**

**If water is required to be shut off in an emergency, the Property owner must notify the Village when water utility has been turned back on. The fee for emergency water shutoff will be \$35.00 per occurrence.**

**In the event that the property owner or plumber breaks the water shut off the property owner will be charged a one hundred dollar maintenance fee.**

**Seasonal shut-off or turn on for water will be a fee of \$75.00.**

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**Chapter 13.36.010 Fee Schedule For Utilities**

**WATER**

<u>Fee Amount</u>	<u>Village Code</u>	<u>Description</u>
<u>\$100.00</u>		<u>Utility Deposit Fee</u>
<u>\$50.00</u>		<u>Reconnection Fee</u>
<u>* \$100.00</u>		<u>* after 4:00 pm</u>
<u>\$100.00</u>		<u>Tampering Fee</u>
		<u>Installation Fee</u>
<u>\$250.00</u>		<u>¾ inch service</u>
<u>\$250.00 plus</u>		<u>1 in and over service</u>
<u>contract fees</u>		

**ELECTRIC**

<u>Fee Amount</u>	<u>Village Code</u>	<u>Description</u>
<u>\$200.00</u>		<u>Utility Deposit Fee</u>
<u>\$400.00</u>		<u>All Electric</u>
<u>\$50.00</u>		<u>Reconnection Fee</u>
<u>* \$100.00</u>		<u>* after 4:00 pm</u>
<u>\$100.00</u>		<u>Tampering Fee</u>
<u>\$250.00</u>		<u>Meter Installation Fee</u>

**GAS**

<u>Fee Amount</u>	<u>Village Code</u>	<u>Description</u>
<u>\$200.00</u>		<u>Utility Deposit Fee</u>
<u>\$50.00</u>		<u>Reconnection Fee</u>
<u>* \$100.00</u>		<u>* after 4:00 pm</u>
<u>\$250.00</u>		<u>Tampering Fee</u>
		<u>Installation Fee</u>
<u>\$250.00</u>		<u>Up to 100 ft. of ¾ inch pipe, meter, labor</u>
<u>\$3.00/ft</u>		<u>¾ inch pipe in excess of 100 ft.</u>
<u>\$250.00</u>		<u>Meter installation</u>
<u>\$250.00 plus</u>		<u>Over 1 inch service</u>
<u>contractor fee</u>		

**SEWER**

<u>Fee Amount</u>	<u>Village Code</u>	<u>Description</u>
<u>\$250.00</u>		<u>Permit and Inspection Fee – commercial and residential</u>