

**ORDINANCE NO. 20-02**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,  
CHAPTER 11 – ELECTRIC SYSTEM AND CHAPTER 38 – UTILITIES  
OF THE CITY OF MASCOUTAH, ILLINOIS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION 1:** Amending CHAPTER 11 – ELECTRIC SYSTEM, ARTICLE 1 – GENERAL REGULATIONS, SECTION 11-1-4 BILLING PROCEDURE, and CHAPTER 38 – UTILITIES, ARTICLE II – RATES AND REGULATIONS, SECTION 38-2-1 CONTRACT FOR UTILITY SERVICES, as attached.

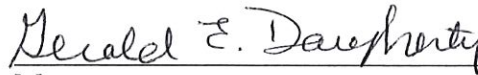
**SECTION 2:** This ordinance shall be in full force and effect after passage, approval and publication as required by law.


**PASSED** by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman Weyant, seconded by Councilman McMahan, adopted on the following roll call vote on the 3<sup>rd</sup> day of February, 2020, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
John Weyant	<u>√</u>	—	—
Pat McMahan	<u>√</u>	—	—
Mike Baker	—	<u>√</u>	—
Walter Battas	—	<u>√</u>	—
Gerald Daugherty	<u>√</u>	—	—

**APPROVED AND SIGNED** by the Mayor of the City of Mascoutah, Illinois, this 3<sup>rd</sup> day of February, 2020.

ATTEST:

  
Mayor

  
City Clerk  
(SEAL)

**CHAPTER 11 – ELECTRIC SYSTEM  
ARTICLE I – GENERAL REGULATIONS**

**Sec. 11-1-4. Billing procedure.**

The procedure for collection of delinquent electrical bills shall be as follows:

- (b) *Delinquent bills.* If the charges for such services are not paid within 15 days beyond the original due date of the bill for such services, electrical services shall be discontinued until further notice and shall not be reinstated until all claims are settled. A \$25.00 fee shall be paid prior to reconnection during regular business hours. After business hours, the reconnection fee shall be ~~\$75.00~~ **\$150.00** and must be paid prior to reconnection.

**CHAPTER 38 – UTILITIES**  
**ARTICLE II – RATES AND REGULATIONS**

**Sec. 38-2-1. Contract for utility services.**

*(h) Delinquent bills.*

- (1) Penalty. All bills shall be rendered monthly and shall be payable at net until due date shown on bill. A penalty of five percent (5%) shall be added to all bills not paid on or before the due date. If any bill is still unpaid by the date falling fifteen days after the due date shown on the bill, such customer shall be considered delinquent and service to such customer shall be discontinued.*
- (2) Reconnect Charge. If the charges for such services are not paid within 15 days beyond the original due date of the bill for such services, water services shall be discontinued until further notice and shall not be reinstated until all claims are settled. A \$25.00 fee shall be paid prior to reconnection during regular business hours. After business hours, the reconnection fee shall be \$150.00 and must be paid prior to reconnection.*

*Editor's note – The customer has the right to appeal the utility charges prior to the service being terminated, Memphis Light, Gas & Water v. Craft 98 S. Ct 1554 (1978).*

~~(h) Billing; utility shut-off; hearing.~~

- ~~(1) This penalty shall be in addition to the charges heretofore established for the utility services. If the charges for such services are not paid within 15 days after the rendition of the bill for such services, a penalty of five percent shall be added to all bills not paid by the due date.~~
- ~~(2) Any customer who fails to pay the utility bills within 15 days of presentation shall have the utility services disconnected after a written notice by the city 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 16 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 city manager, mayor, or the clerk. 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 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 utility services have been disconnected the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of \$25.00 for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.