

CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 25-05

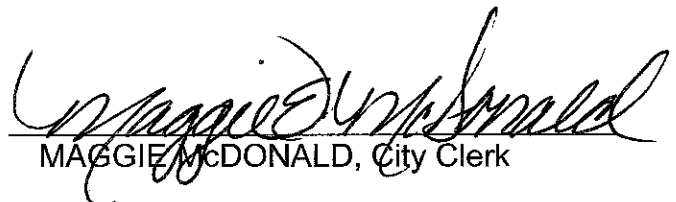
A CITY OF NEWTON ORDINANCE TO
REPLACE UTILITIES 38-1-8 AND 38-1-9

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF NEWTON, ILLINOIS
THIS 6th DAY OF MAY, 2025

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE CITY COUNCIL OF THE CITY OF NEWTON
JASPER COUNTY, ILLINOIS
THIS 6th DAY OF MAY, 2025

CERTIFICATE OF PUBLICATION

I, MAGGIE McDONALD, the duly qualified City Clerk of the City of Newton, Illinois, and the official custodian of records of said City do hereby certify that this 6th day of May, 2025.


MAGGIE McDONALD, City Clerk

ORDINANCE NO. 25-05

A CITY OF NEWTON ORDINANCE TO
REPLACE UTILITIES 38-1-8 AND 38-1-9

BE IT ORDAINED by the City Council of the City of Newton, Illinois, that 38-1-8 and 38-1-9 of the Newton City Code is hereby amended provide as follows:

38-1-8 BILLING AND PAYMENT OF CHARGES. Charges for electric, water and sewer services shall be mailed monthly and payment shall be due on the **fifteenth (15th) day** of each month. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service on such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefore to the City. All bills for service shall be rendered as of the **first (1st) day** of the month following the month for which service is rendered and meters read. All bills shall be payable by the **fifteenth (15th) day** of the month in which the bill is rendered. All bills not paid shall have a penalty of **five percent (5%)** added on the **sixteenth (16th) day** of said month. When the **fifteenth (15th) day** of any month shall be a Saturday, Sunday or a legal holiday, then such bills for service shall be paid on the next succeeding secular day without the penalty added.

(A) Any final bill for utility charges for electric, water and/or sewer to a non-owner-occupied property not covered by any deposit is required to be paid by the non-owner occupant within **ten (10) days** of the final bill. On the **eleventh (11th) day** the City will mail a bill from the utility to the owner/landlord who will have **twenty-five (25) days** to pay the outstanding balance. If the owner/landlord does not pay the bill within **twenty-five (25) days** the City will have the right to place a lien on the owner/landlord's rental property. All utilities past or present must be paid before a new non-owner occupant or tenant can put services in his or her name. If the landowner allows a new tenant to move in prior to the previous utility account being paid in full, the account will be opened in the landlord's name and the landlord will be responsible for the deposit and all utilities bills.

(B) Any final bill for utility charges for electric, water and/or sewer to an owner-occupied property not covered by any deposit is required to be paid within **ten (10) days** of the final bill. On the **eleventh (11th) day** the City will mail a notice from the utility to the owner who will have another **twenty-five (25) days** to pay the outstanding balance. If the owner does not pay the bill within **twenty-five (25) days** the City will have the right to place a lien on the owner's property.

(C) Any customer who fails to pay the utility bill by 8:00 A.M. on the fourth (4th) day of the succeeding month of having received a bill, will be subject to having utilities service disconnected after a written notice by the City Utility Billing Office, having been mailed first class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **seventeen (17) days** after billing, specifically advising the customer of the following:

- (1) Name and address of the customer and the amount due for services including late penalties.
- (2) The date, time, and location of the hearing to be held.
- (3) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
- (4) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (5) The date of termination.

[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]

(D) 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. **(See Appendix #6)**

(E) The customer shall be notified within **five (5) 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.

(F) 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 shall the notice be returned non-accepted, then the City shall also have the right to terminate the customer's utility services without further proceedings.

(G) 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.

(H) In the event such delinquent charges are not paid in full to the City Collector by **8:00 A.M.** on the **fourth (4th) day** of the succeeding month, a delinquent fee of **Thirty-five Dollars (\$35.00)** shall be charged to all accounts with a delinquent balance. Also, a City employee shall be disconnect such delinquent user from the electric, water and sewer system without further notice.

Once disconnection has been made, no reconnection shall be made until all delinquent charges for electric, water and sewer, and all penalties and delinquent fees have been paid in full to the City Collector, except, however, that if such services have been disconnected for a **third (3rd) time** within a period of **one (1) year**, a delinquent fee of **Seventy-five Dollars (\$75.00)** will be charged, and in addition, the delinquent fee within the succeeding year shall be **Seventy-five Dollars (\$75.00)**.

Disconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Thursday, only between **8:00 A.M.** and **12:00 Noon** on Friday, and only between **8:00 A.M.** and **12:00 Noon** when the City offices will be closed the following day. These hours provide the customer the opportunity to make payment and have service reconnected.

Reconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Friday.

Reconnections made after **3:00 P.M.** or on holiday or weekends will have an additional charge of **One Hundred Two Dollars Fifteen Cents (\$102.15)** to cover the overtime expense. (Ord. No. 25-05; 05-06-25)

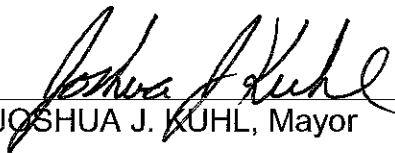
38-1-9 LIEN FOR CHARGES. In the event the charges for electric, water and/or sewer service at any active utility account are not paid within **thirty-five (35) days** and at any closed utility account are not paid withing **thirty-five (35) days** after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies may constitute liens upon the real estate for which such service is supplied, and the City Utility Billing Department is hereby authorized and directed to file from time to time sworn, detailed statements showing such delinquencies in the office of the Recorder of Deeds of Jasper County and the filing of such statement shall be deemed notice of the lien for payment of the service rendered. (Ord. No. 25-05; 05-06-25)


This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Upon roll call vote the following Alderperson voted

	Aye	Nay	Abstain	Not Present
Gayle Glumac	✓			
Kaleb Wright	✓			
Larry Brooks	✓			
R. J. Lindemann			✓	
Eric Blake			✓	
Mike Swick	✓			
Mayor Joshua Kuhl				

Passed, approved and published in pamphlet form this 6th day of May, 2025.


JOSHUA J. KUHL, Mayor

ATTEST:

MAGGIE McDONALD, City Clerk

