

ORDINANCE NO. 2020-09

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-09 TO
CORRECT SCRIVENER'S ERROR IN RELATION TO UTILITY
BILLING DUE DATE AND LATE PAYMENT PENALTY
PERCENTAGE**

PREPARED BY:

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AN ORDINANCE AMENDING ORDINANCE NO. 2015-09 TO CORRECT SCRIVENER'S ERROR IN RELATION TO UTILITY BILLING DUE DATE AND LATE PAYMENT PENALTY PERCENTAGE

WHEREAS, the Village of Winnebago Board of Trustees previously passed Ordinance No. 2015-09 on July 13, 2015, whereby Ordinance No. 278 previously passed on April 18, 1956 (which provided for the establishment of charges and rates for the combined waterworks and sanitary sewerage systems), was amended, to provide for lien recording fees to be borne by the party causing the lien to be filed, and to institute a policy whereby services for utilities must be initially contracted for with the Village by the respective property owner rather than the Tenant, with service only later established in the name of the Tenant when requested by the Tenant pursuant to the Illinois Rental Property Utility Service Act (765 ILCS 735/), as amended, provided the Tenant meets all of the requirements of said Act; and

WHEREAS, to accomplish the above, Sections 3 and 4 of Ordinance No. 278 were deleted in their entirety, and replaced with the language as contained in Ordinance No. 2015-09; and

WHEREAS, it was recently discovered that in so revising Sections 3 and Section 4 of Ordinance No. 278, the effect of Ordinance No. 05-10, which was previously passed by the Village Board on October 10, 2005, was not taken into account; and

WHEREAS, Ordinance No. 05-10 had increased the penalty for late payment of monthly water, sewer, and garbage bills issued by the Village of Winnebago from the 10% listed in Ordinance No. 278 to 15% of the net balance bill amount, with such rate increase effective 45 days after passage of Ordinance No. 05-10, and with late payment defined as any payment received on the next business day, excluding State and national holidays, after the 15th of a given month; and

WHEREAS, Ordinance No. 2015-09, due to scrivener's error, incorporated the due date and penalty rate from Ordinance No. 278 without taking into consideration the effect of Ordinance No. 05-10 on Ordinance No. 2015-09; and

WHEREAS, it was never the intention of the Board of Trustees with the passage of Ordinance No. 2015-09 to change the billing due date or penalty rate as had been established by Ordinance No. 05-10, and the Village staff has, in fact, has continuously adhered to the due date and penalty rate consistent with the terms of Ordinance No. 05-10 since its passage; and

WHEREAS, the inclusion of a different due date and penalty rate in Ordinance No. 2015-09 different from the ones listed in Ordinance No. 05-10 was a scrivener's error, and needs to be corrected.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, as follows: