

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS REGARDING THE
RIGHT OF ENTRY TO EXAMINE WATER CONNECTIONS**

WHEREAS, the City of Washington, Illinois (the “City”) is a home rule municipality in accordance with the Constitution of the State of Illinois and as such, has the authority to create this Ordinance; and

WHEREAS, Section 50.22 of the Code of Ordinances of the City (the “Code”) provides for certain maintenance responsibilities of a property owner for the pipe from the connection to the water main to the water meter for which a right of inspection for the City is not expressly provided; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend Section 50.37 of the Code to clarify the right of the City to inspect the pipe that is required to be maintained by property owners under Section 50.22 of the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That Section 50.37 of the Code be, and the same hereby is, amended as follows:

§ 50.37 ENTRY UPON PREMISES; FAILURE OF OWNER TO COMPLY

The City Administrator, or his authorized agent, shall have free access at all reasonable hours to all parts of any premises to which city water is supplied for the purpose of making necessary examination, and, in case any connection or pipe maintained by the property owner in accordance with § 50.22 or water meter is found out of repair, may require the same at once to be repaired or a new ~~one~~connection, pipe, or water meter provided, and in the event no water meter is found, may require the immediate installation of same. Except in an emergency, the City Administrator shall provide notice of any defect found in the connection, pipe, or water meter. Upon failure of the owner to repair such connection, pipe, or meter or supply a new one within seven (7) days following written notice from the City Administrator, or upon refusal to permit the above examination, the water shall be shut off to such premises and shall not be turned on again until such connection, pipe, or meter is repaired or a new one provided, or in case of refusal to allow an examination, until satisfactory arrangements have been made concerning future examinations; and not, in any case, except upon the payment of twenty dollars (\$20.00) for the turning off and on of such water. Each day that the property owner

fails or refuses to allow an inspection or to repair the connection, pipe, or water meter within seven (7) days after receipt of notice from the City of Washington shall be a separate violation of this chapter subject to the penalties provided in § 50.99.

Section 3: If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 4: That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage, approval, and notification as provided by law and shall take effect upon its passage as required by law.

PASSED AND APPROVED this ____ day of _____, 2021.

AYES: _____

NAYS: _____

ATTEST:

Gary W. Manier, Mayor

Valeri L. Brod, City Clerk