

VILLAGE OF KINCAID

ORDINANCE NO. 903

AN ORDINANCE FOR THE DISCONNECTION  
OF WATER SERVICES WHEN AN ORDINANCE  
VIOLATION FINE HAS NOT BEEN PAID  
VILLAGE OF KINCAID, CHRISTIAN COUNTY, ILLINOIS

ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF KINCAID  
THIS 13<sup>th</sup> DAY OF November, 2023.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY  
OF THE VILLAGE OF KINCAID BOARD OF TRUSTEES,  
VILLAGE OF KINCAID, CHRISTIAN COUNTY, ILLINOIS  
THIS 13<sup>th</sup> DAY OF November, 2023.

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OF WATER SERVICES WHEN AN ORDINANCE  
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VILLAGE OF KINCAID, CHRISTIAN COUNTY, ILLINOIS**

WHEREAS, the President and the Village of Kincaid Board of Trustees believe it is in the best interest to efficiently collect Ordinance Violation fines and in the event the fines are not paid as otherwise set forth in this Ordinance, that the Ordinance violator's water service will be disconnected; and

WHEREAS, the President and the Village of Kincaid Board of Trustees also believe it is in the best interest of the public health, safety, morals, and welfare of the residents of the Village of Kincaid and those people who enter the territorial jurisdiction of the Village of Kincaid to have Ordinance Violation fines timely filed, and in the event that they are not timely paid, water services can be disconnected.

**NOW THEREFORE, BE IT ORDAINED** by the President and the Village of Kincaid Board of Trustees, Kincaid, Christian County, Illinois as follows:

SECTION 1: If there is an Ordinance Violation at a rental unit, the person who is the renter/Ordinance violator and the record title owner of the real estate shall both receive a written copy of the Ordinance Violation.

SECTION 2: The Ordinance violator and/or the owner shall have 14 days to pay the Ordinance Violation fine from the time the violator and/or owner received a copy of the Ordinance Violation. Payment of the Ordinance Violation fine shall be made and delivered to the Village Clerk of the Village of Kincaid at the Village of Kincaid Municipal Hall.

SECTION 3: If the Ordinance Violation fine is not paid in full within 14 days, as otherwise set forth herein, the Village of Kincaid shall file an Ordinance Violation Complaint with the Christian County Circuit Clerk's Office within 30

days of the writing of the Ordinance Violation. The same shall be set for an initial appearaance hearing in the Christian County Courthouse within 45 days of the writing of the Ordinance Violation/cause. Should the same not be resolved by agreement or the Ordiance Violation not paid in full, the water to the rental unit/residence where the Ordinance Violation occurred shall be disconnected, and the disconnection shall remain in place until the Ordinance Violation fine and any and all cost incurred by the Village of Kincaid are paid in full. Furthermore, the water to a particular piece of property shall remain disconnected until such time the Village is advised by one of the Village of Kincaid police officers that the Ordinance Violation fine has been paid and the Ordinance Violation has been resolved. If a renter of real estate has an Ordinance Violation and fine that has not been paid within 14 days as set forth herein, and said renter resides in a multi-unit housing structure, with only one water meter that services multiple residents in said multi-unit facility, said Ordinance violator shall be turned over to a collection agency. In that event, the Ordinance violator shall be responsible and pay any and all costs incurred by the Village of Kincaid in collecting said balance due and owing.

SECTION 4: The provisions of other Village of Kincaid Ordinances, to the extent they duplicate, conflict with, or otherwise affect the validity hereof, shall be disregarded, and otherwise, all of the provisions of all other Village of Kincaid Ordinances shall remain in full force and effect.

SECTION 5: If any section, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision, or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

SECTION 6: This Ordinance shall become effective upon its passage, approval, adoption, and publication in pamphlet form as provided by law.

ON MOTION DULY MADE AND SECONDED, and pursuant to roll call vote, this Ordinance was passed, approved, and adopted this 13<sup>th</sup> day of November, 2023.



ROBERT MORRIS  
President of the Village of Kincaid

ATTEST:

  
STEPHANIE BROWN, Village Clerk

(Municipal Seal)

AYES: 6

NAYES: 0

ABSENT: 0

FILED IN THE OFFICE OF THE VILLAGE CLERK, VILLAGE OF KINCAID,  
ILLINOIS, ON THE 13<sup>th</sup> DAY OF November, 2023.

PUBLISHED IN PAMPHLET FORM  
ON November 13<sup>th</sup>, 2023.

CERTIFICATE

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF CHRISTIAN        )

I, Stephanie A Brown, certify that I am the duly acting Village Clerk of the Village of Kincaid, Christian County, Illinois.

I further certify that on November 13, 2023, the Board of Trustees of said Village passed and approved Ordinance No. 903 entitled "AN ORDINANCE AMENDING THE ORDINANCE FOR THE DISCONNECTION OF WATER SERVICES WHEN AN ORDINANCE VIOLATION FINE HAS NOT BEEN PAID VILLAGE OF KINCAID, CHRISTIAN COUNTY, ILLINOIS."

The pamphlet form of Ordinance No. 903, including the Ordinance and cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on November 13, 2023, 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 Village Clerk.

DATED at Kincaid, Illinois, this 13<sup>th</sup> day of November, 2023.

Stephanie A Brown  
STEPHANIE BROWN, Village Clerk

(MUNICIPAL SEAL)

(Legal Opinion on Adopted Bond Ordinance—Local Attorney)

Re: City of Kewanee  
Provide Bond Ordinance No. and title of ordinance

In connection with the passage of the above-captioned ordinance, I have acted as City Attorney on behalf of the City of Kewanee. I have examined the following:

- (1) Certified copies of the proceedings of the City of Kewanee as well as the above-captioned ordinance, passed and approved on 4/09/22, pursuant to Division \*\*\* of Article 11 of the Municipal Code (65 ILCS 5/11-\*\*\*) and the Local Government Debt Reform Act (30 ILCS 350/1 et seq.)
- (2) Such other public records, documents, and proceedings as I have deemed relevant and necessary to render this opinion.

After considering all of the foregoing, it is my opinion that:

- (1) The City of Kewanee is authorized to adopt Ordinance No. 902, and the Ordinance has been duly adopted by the City of Kewanee
- (2) The City of Kewanee has complied with the provisions of applicable law in adopting the Ordinance, and the Ordinance is in full force and effect, and constitutes the legal, valid, and binding act of the City of Kewanee.
- (3) Ordinance No. 902 does not conflict with any other Ordinances of the City of Kewanee