

..Title

**AN ORDINANCE AMENDING TITLE 6 (HEALTH, NUISANCES) CHAPTER 7 (DISRUPTION OF UTILITY SERVICE) SECTION 6-7-3 (PENALTY)**

..Body

**WHEREAS**, the Illinois Compiled Statutes, including the Illinois Municipal Code, regulate purchases and contracts entered into by the Village of Orland Park, a home-rule municipality; and

**WHEREAS**, the Village has recently undertaken a comprehensive review of its fine and penalty structure to ensure that monetary penalties remain effective, equitable, and reflective of current enforcement priorities; and

**WHEREAS**, the Village finds uninterrupted utility services including electricity, water, gas, and telecommunications are essential to the health, safety and welfare of residents, and

**WHEREAS**, disruptions in utility services, caused by the actions, negligence, or failures of utility companies, result in significant hardship to families, business, and community institutions, depriving them of vital services necessary for daily living, work, communication, and personal safety; and

**WHEREAS**, the current fine and penalty structure for Title 6, Chapter 7 has not been updated or amended to keep pace with the costs associated with law enforcement, compliance monitoring, and corrective measures; and

**WHEREAS**, the Village has a compelling interest in ensuring accountability for utility companies whose conduct results in unnecessary or preventable service outages; and

**WHEREAS**, the imposition of additional penalties for avoidable disruptions of utility services is necessary to encourage compliance, deter negligent practices, and protect the families and residents of the Village who are harmed by the loss of valuable utilities; and

**WHEREAS**, the Village deems it is in the best interest of the Village and its residents to amend the penalty enforcement under this section to encourage the lawful behavior and compliance, enhance community responsibility, and protect the quality of life of all residents.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

**SECTION 1:** Title 6 (Health, Nuisances) Chapter 7 (Disruption of Utility Service) Section 6-7-3 (Penalty) shall hereby be amended in part (additional language marked by underlining and deletions marked with strikethrough) as reflected and attached hereto as EXHIBIT "A".

**SECTION 2:** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

**SECTION 3:** The Village Clerk be and herby is authorized and directed to publish this Ordinance in pamphlet form.

## EXHIBIT A

### CHAPTER 7 DISRUPTION OF UTILITY SERVICE

#### SECTION:

6-7-1: Definitions

6-7-2: Prohibition

6-7-3: Penalty

6-7-4: Defenses

#### 6-7-1: DEFINITIONS:

“Person” means an individual, corporation, partnership, joint venture, contractor, association, municipality or other governmental unit or utility company.

“Utility service” means telephone, gas, electric, water and storm or sanitary sewer service, regardless of who provides those services.

“Disrupt” means to interrupt any utility service for a period of sixty (60) minutes or more.

“Resident” of Orland Park means any person residing within the corporate limits of the Village of Orland Park, and any business, commercial, retail, manufacturing, educational, governmental, or non-profit entity of any sort, located within the corporate limits of the Village of Orland Park.

“Excavation” means any operation in which earth, soil, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, machinery, power equipment or explosives.

“JULIE” means the state-wide on-call notice system established for location of underground utility facilities.

#### 6-7-2: PROHIBITION:

No person, through excavation or any other negligent, intentional or malicious act within the corporate limits of the Village of Orland Park, shall disrupt any utility service to any resident or property owner of the Village of Orland Park.

(Amd. Ord. 5584, 2-1-21)

#### 6-7-3: PENALTY:

Any person, ~~firm, corporation or entity~~ who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any of the provisions of this Chapter, shall upon conviction be fined according to the fine schedule located in Appendix B for each offense.

In the event of a utility service disruption, the Village shall issue a citation to the utility provider determined to be at fault within seven (7) business days of the service disruption or within seven (7) business days of the Village's determination of fault. The citation shall identify the nature of the disruption, the affected service area(s), and the penalty as follows:

- (1) Penalties for violations of this Section shall be imposed in accordance with the fine schedule located in Appendix B of this Code, as may be amended from time to time. Each day that a violation continues shall constitute a separate and distinct offense, and penalties shall include escalating fines for repeat offenses;
- (2) For any second or repeated offense, the penalty shall include a Must Appear before a Municipal Violation (MV) Hearing;
- (3) Failure to appear at the MV Hearings may result in additional penalties, including default judgement and enhanced fines;
- (4) Nothing in this section shall preclude the Village from pursuing other remedies at law or equity, including billing the utility provider for Village emergency response costs or infrastructure damages.

Notwithstanding any other provision of this Code, the Village is hereby authorized, through its Public Works Department or other designated officials, to temporarily discontinue or shut off water services or any other municipal utility when reasonably necessary to investigate, repair, prevent, or mitigate a utility emergency, including but not limited to water main breaks, leaks, or conditions posing a risk to public health, safety, or property, without liability for service interruption. The Village shall make reasonable efforts to notify affected residents in a timely manner under the circumstances.

(Amd. Ord. 5103, 6-6-16; Amd. Ord. 5224, 10-2-17)

#### 6-7-4: DEFENSES:

It shall be a defense to the application of this Chapter to demonstrate that JULIE, or the utility whose service was disrupted, was contacted prior to the excavation for the purpose of marking or otherwise identifying the underground utility facilities, and that the underground utility line markings or identifications indicated by JULIE or said utility were respected. (Ord. 2926, 8-5-96)