

# MEMORANDUM

March 31, 2022

TO: Mayor John P. Kahl and Members of the City Council

FROM: Scott A. Brunton, City Attorney

SUBJECT: Ordinance Amending Forgiveness Policy for Internal Water Leaks

---

## DISCUSSION:

Back in 2019, the City revised the policy of forgiveness for internal water leaks in an effort to make this policy both fair and consistent for all water users in the City. The 2019 revisions also established guidelines for qualifying a water leak adjustment for forgiveness and established the application process for seeking a water leak adjustment.

Based upon the implementation of the 2019 revisions to this forgiveness policy and the City staff's experience with handling forgiveness claims in the past two plus years, City Officials have again reviewed the forgiveness policy to further refine and improve this policy and the related application process. Accordingly, City Officials seek to make these further amendments to this policy of forgiveness for internal water leak in the ongoing effort to maintain a fair and consistent policy for all water users in the City. Additionally, the determination of what is considered an "internal water leak" for this forgiveness policy is being clarified.

## RECOMMENDATION:

Approve this Ordinance.

**ORDINANCE NO. 4643**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 5, SECTION 1.11  
OF THE EAST PEORIA CITY CODE TO AMEND THE POLICY OF  
FORGIVENESS FOR INTERNAL WATER LEAKS**

**WHEREAS**, the City of East Peoria has proposed an amendment to certain water regulations found at Title 7, Chapter 5 of the East Peoria City Code, which proposed amendments to Section 1.11 are hereinafter set forth; and

**WHEREAS**, the City Council has determined that in order to establish an equal and fair process for water leak adjustments for internal water leaks, it is necessary to adopt a policy of forgiveness for internal water leaks for East Peoria city water consumers as hereinafter set forth; and

**WHEREAS**, the City Council further finds it is in the best interests of the City and its citizens and water consumers to revise the policy of forgiveness for internal water leaks as provided herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** Title 7, Chapter 5, Section 1.11 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline, deletions by ~~strikeout~~):

**7-5-1.11. - Leaks and waste.**

- (a) It shall be the duty of all consumers of city water at all times to exercise due diligence to prevent waste of the water supply, and to this end shall stop all leaks on their premises. After prior written notice from the city, the city water supply will be shut off from any premises until any violation of this section is corrected.
- (b) Effective ~~December 1, 2019~~ May 1, 2022, the city shall adopt a policy of forgiveness for internal water leaks (see definition below) at a water service location, subject to the following rules:
  - (1) Internal water leaks shall consist of plumbing failures within the heated interior portion of a structure. This does not include water powered sump pumps or outdoor plumbing, such as exterior faucets, irrigation systems, swimming pools, ponds or whirlpools, or any other plumbing outside the structure, ~~or plumbing~~

~~contained in an area of the structure which is not heated, except that.~~ However, leaks in service lines from the meter to the home will be included and will be eligible under the policy of forgiveness.

- (2) The forgiveness shall be applied only to ~~a claimant~~ an account once in a ~~five (5) year~~ twelve (12) month period, commencing with the date of the first forgiveness.
- (3) Forgiveness will be considered only if the usage billed is greater than two (2) times the average usage ~~over for~~ the previous same period. For instance, in which an account has been active for less than twelve (12) months, an account average will be used.
- (4) The owner of the service account (the individual to whom the bill is sent) must request the forgiveness by completing the "Water Forgiveness Request Form" and submitting it to the East Peoria Water Billing Office, 401 W. Washington Street, East Peoria IL 61611. The form must be completed and returned within sixty (60) days of billing date for the bill for which forgiveness is sought.
- (5) The request must be based upon an internal plumbing failure within the service location's water system, the nature of which is to be specified when requesting the forgiveness. Documentation will be required in the form of detailed receipts from a certified plumber; or in the event those repairs were made by the individual, receipts for any plumbing hardware or supplies purchased to make the repair; ~~or. Photographs of the leak prior to and following repair may also be requested~~ submitted in lieu of receipts.
- (6) Water system failures must be repaired in a timely fashion, not to exceed thirty (30) days from discovery and prior to submission of the Water Forgiveness Request Form.
- (7) Forgiveness will be for the excess sewer charges as well as half (1/2) of the water usage in excess of two (2) times the previous twelve (12) months average usage for the same period, as calculated by city staff. The city will calculate the forgiveness amount on the usage of the

bill first in question and in order to allow time for repairs to be made, also on the usage of the bill for the immediately following period.

~~(8) Bill adjustments will not exceed One Thousand Dollars (\$1,000.00).~~

~~(9)~~(8) Forgiveness is allowed only for plumbing system failures, including leaks in service lines from the meter to the home. There shall be no forgiveness for only water or only sewer when the excess usage is the result of any other cause.

**Section 2.** This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 3.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel