

TITLE 13
PUBLIC SERVICES

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- 13.04 Water and Sewer Service Generally
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Chapter 13.04

Water and Sewer Service Generally

Sections:

- 13.04.010 Connection and Reconnection Charges
- 13.04.020 Restoration of Streets and Sidewalks
- 13.04.030 Supervision

§13.04.010 Connection and Reconnection Charges. Water service and sewer service connection and reconnection charges shall be in the amounts determined from time to time by the Board.

§13.04.020 Restoration of Streets and Sidewalks. When any street or sidewalk is disturbed by any manner of water system, sewer system, or other utility system connection, reconnection, hookup, or repair, the street or sidewalk disturbed must be restored to its original condition or better, with like materials being used, at the expense of the applicant for service or the property owner involved.

§13.04.030 Supervision. The Village's water service and sewer service system shall be under the supervision of the Superintendent of Public Works. For the provisions of Title 13, the Superintendent of Public Works may hereinafter be referred to as "Superintendent".

Chapter 13.08

Water Service System Generally

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§13.08.010 Turn-on – Applications. Applications to have water turned on shall be made to the Village Treasurer and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter as conditions governing the use of the Village water supply by the applicant.

(Ord. 2020-09-02, §1, 9-8-20)

§13.08.020 Turn-on – Deposit. A deposit of Fifty Dollars (\$50.00) shall be made with each such application, this sum to be retained by the Village to insure the payment of all bills for water and sewage service until all such bills have been paid and to be refunded when service is discontinued if all bills have been paid. When service to the applicant is discontinued permanently, this deposit, less any amount still due the Village for water or sewage service, shall be refunded without interest.

(Ord. 2020-09-02, §2, 9-8-20)

§13.08.030 Plumbing. No water shall be turned on for service to premises where all plumbing connected with the Village water supply fails on inspection by the Superintendent to be found in a sound condition and to be in accordance with all applicable provisions of this code and regulations from time to time enacted by the Village Board; provided that water may be turned on for construction purposes in unfinished buildings, subject to the provisions of this Chapter.

§13.08.040 Connection.

- A. No connection with a water main shall be made without a permit being issued and twenty-four (24) hours' notice being given to the Superintendent.
- B. Before a connection is made with the water distribution system of the Village, the premises to be served must be equipped with a meter and buffalo box properly installed on the service pipe. When the meter is located within a building, a one (1) inch K-type copper pipe or its equivalent shall be installed from the buffalo box to the meter and shall be at least four (4) feet underground. No installation shall be covered until it has been inspected by the Superintendent and found satisfactory.
- C. No premises shall be connected with the municipal water distribution system unless the premises so connected are furnished with a "stop and drain" or shut-off valve and drain located within the building but not between the meter and the water main, so that the supply of water may be shut off and the pipes drained inside the building.
- D. All such connections shall be made under the supervision of the Superintendent and no connections shall be covered until the work has been inspected by him/her.

§13.08.050 Service Connection Fee.

- A. The service connection from the main line to the curb, the curb cock and curb box shall be furnished and installed by the subscriber under the supervision of the Superintendent. Applications for service connections are to be made to the Village Treasurer. The application service connection fee, as from time to time determined by the Village Board, shall accompany each application. The Village Treasurer shall advise the Superintendent of each pending application. If all plumbing passes inspection, the Superintendent will issue a service connection permit within a reasonable time.
- B. The applicant shall pay the actual cost of material and labor for service pipes and connections larger than those usually installed or those installed under concrete pavements.

(Ord. 2020-09-02, §3, 9-8-20)

§13.08.060 Resale. No water shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the water installed, except in case of emergency.

§13.08.070 Tampering.

- A. It is unlawful for any person, not authorized by the Village to tamper with, alter or injure any part of the Village waterworks system, supply system, or any meter.
- B. No person not duly authorized shall turn on the water at any fire hydrant or service cock, or use water therefrom when so turned on.

§13.08.080 Service Pipes – Installation. All service pipes from the curb to the premises to be served shall be installed by, and at the cost of the owner of the property to be served or the applicant for the service. Such installations shall be under the supervision of the Superintendent.

§13.08.090 Pipes.

- A. All water pipes from the main to the meter shall not be less than three-fourths (3/4) inch in size. Only one (1) inch K-type copper pipe or its equivalent shall be used to connect the meter with the main. All fittings and fixtures shall be in accordance with standard practice and meet with such specifications and regulations as may be from time to time promulgated by the Superintendent.
- B. All service pipes shall be buried at least four (4) feet deep in the ground and protected from frost.

§13.08.100 Service Pipes – Repairs.

- A. All repairs on service pipes from the mains, and repairs to the plumbing system of the premises shall be made by and at the expense of the owner or occupier of the premises.
- B. The Village may, in case of emergency, repair any service pipe and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served.

§13.08.110 Excavations. Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to excavations in street.

§13.08.120 Shut-off Boxes. Shut-off or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be located where they will be easily accessible and shall be protected from frost.

Chapter 13.12

Water Service Rates and Charges

Sections:

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| 13.12.020 | Meters – Installation |
| 13.12.030 | Meters – Reading |
| 13.12.040 | Water Rate Schedule |
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| 13.12.110 | Water Meters – Right of Entry for Installation and Maintenance |
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§13.12.010 Meters – Required – Use.

- A. All premises using water from the Village water supply must be equipped with an adequate meter, supplied by the Village at the property owner’s expense for the actual cost thereof; provided that such water service may be supplied by the Village at a flat rate of charge until such meter may be installed.
- B. Before any premises are occupied, a water meter shall be installed therein as herein required or application made for such water service at the flat rate until such meter can be installed or no water shall be furnished to such premises.
- C. No water meter shall be used by any consumer unless and until such meter is sealed by the Superintendent. After the meter is placed, only officers or employees of the Village properly authorized shall be allowed to repair, remove, or in any manner interfere with the same. The user of any meter shall at all times be responsible for any damage done to such meter. After installation of the meter, the water shall not be turned on for service until payment for the actual cost of the meter has been made to the Village Treasurer.

(Ord. 2020-09-02, §4, 9-8-20)

§13.12.020 Meters – Installation.

- A. Water meters shall be installed by the Village on all premises receiving water service from the Village in a location that will be of easy access. While the property owner of any premises receiving water service from the Village water meter shall be responsible for ensuring that the water meter is not damaged or tampered with, the water meter shall remain the property of the Village.
- B. From time to time, the Village may also determine that a water meter on a particular premises requires replacement or that all water meters throughout the Village should be replaced. The replacement of water meters may include the installation of electronic registering water meters that can be read remotely by the Village. As provided in this Chapter, the property owner and occupant of any premises receiving water service from the Village shall permit the Village access to the premises at any reasonable hour of the day to install, replace, or maintain a water meter.

§13.12.030 Meters – Reading. The Superintendent shall read or cause to be read every water meter used in the Village at such times as are necessary that the bills may be sent out at the proper time.

§13.12.040 Water Rate Schedule. The water rates for water supplied by the Village for residential, commercial, and industrial users within the Village limits and outside the Village limits are as follows:

- A. For all water users within the Village limits, the monthly rates are as follows:

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| 0 through 1,000 gallons | \$10.41 (flat fee regardless of actual use) |
| (this is the minimum charge regardless of actual usage) | |
| 1,000 through 250,000 gallons | \$5.69 per thousand gallons |
| Over 250,000 gallons | \$3.88 per thousand gallons |
- B. For all water users outside the Village limits, the monthly rates are as follows:

| | |
|---|---|
| 0 through 1,000 gallons | \$14.56 (flat fee regardless of actual use) |
| (this is the minimum charge regardless of actual usage) | |
| 1,000 through 250,000 gallons | \$6.10 per thousand gallons |
| Over 250,000 gallons | \$4.29 per thousand gallons |

(Ord. 2021-12-02, §2, 12-21-21)

§13.12.050 Technology Fee. A technology fee shall be assessed to all users of the Village's water system in the amount of Five Dollars (\$5.00) per month for each residential, commercial, and industrial user. This technology fee is assessed to address increased costs incurred by the Village's combined water and sewer system for providing, maintaining, and upgrading the Village's water and sewer systems, which includes (but is not limited to) the implemented radio water meter system. This technology fee shall be included in the monthly water bill for each water user. Upon collection of the monthly technology fee, Three Dollars (\$3.00) shall be distributed to the Village's water fund, and Two Dollars (\$2.00) shall be distributed to the Village's sewer fund.

(Ord. 2021-12-02, §3, 12-21-21)

§13.12.060 Meters Improperly Registering – Estimated Charges. Whenever any meter, by reason of its being out of repair or for any cause, fails to properly register the water passing through the same, the consumer shall be charged at the rate shown for the corresponding time for the previous year. If no record of the previous year exists, then it shall be the duty of the Superintendent to estimate the amount of water consumed during the time the meter fails to operate and the consumer shall be charged such estimated amount.

§13.12.070 Construction Contractors – Use of Water. During construction of any building, and before any water is installed as is herein provided, the contractor so constructing such building may be permitted to use the Village water supply by making application therefor, and paying the applicable flat rate prescribed by the Village Board.

§13.12.080 Bills. All water bills shall be due and payable within ten (10) days after the last of the month for which water is supplied, all of the bills shall be rendered at ten percent (10%) above the rates hereinabove set and if paid within the ten (10) days, the aforesaid ten percent (10%) shall not be collected, but if not so paid then the ten percent (10%) shall be collected. Failure to receive the water bill shall not relieve the user from payment of the ten percent (10%).

§13.12.090 Delinquent Bills. Whenever a bill or any fee for water service remains unpaid for thirty (30) days after it is due, it is declared delinquent, and the Superintendent shall turn off the water supply to the premises of the consumer whose bill or fee is delinquent. When a water bill or any water service fee becomes delinquent, a delinquency notice will be sent and will serve as a notice of delinquency to the owner of the premises, as well as to the occupant or tenant of the property when applicable, seven (7) days prior to the date scheduled for termination of water services, informing them of the delinquent amount. If the delinquent bill termination date stated in the delinquency notice or any time thereafter, being no sooner than seven (7) days from the date of the delinquency notice. Before water is again turned on to such premises, the property owner or consumer shall pay all delinquent bills and the additional sum of Fifty Dollars (\$50.00) for shutting off and turning on the water, provided that the total combined fee paid under both this Section and Section 13.20.020 shall not be more than Fifty Dollars (\$50.00) for each time water service is turned back on.

§13.12.100 Property Owner's and Occupant's Responsibilities. All owners of real estate rendered water service by the Village are jointly and severally responsible for the water bills and water service fees for consumers upon premises owned by them, and such property owner shall not be entitled to water service upon premises owned by them until all delinquent bills and fees for water service to the premises and the fee set forth in Section 13.12.090 for shutting off and turning the water on have been paid to the Village. Accordingly, the property owner of the premises receiving water service from the Village, the occupant thereof, and the user of the water service shall be jointly and severally liable to pay for the water service and related water service fees on said premises, and the water service is furnished to the premises by the Village only upon the condition that the property owner of the premises, occupant, and user of the water service are jointly and severally liable to the Village for all billings and fees for this water service from the Village. Said water bills and fees will run with the property and remain a liability of the individuals aforementioned.

§13.12.110 Water Meters – Right of Entry for Installation and Maintenance.

- A. From time to time, the Village may need to access any premises receiving water service from the Village in order to install, replace, or maintain a water meter, which includes the replacement of a water meter and the installation of an electronic registering water meter that can be read remotely by the Village. The property owner and occupant of any premises receiving water service from the Village shall provide free admittance to such premises to the Village's Superintendent or any authorized Village agent or Village contractor for accessing the water meter at all reasonable hours of the day for the purpose of installing, replacing, or maintaining the water meter, which shall include the installation of an electronic registering water meter. The fact that such premises uses and receives water from the Village's water service constitutes consent from the property owner and any occupant of the premises to allow access to such premises and its water meter to the Village for the purpose of installing, replacing, or maintaining the water meter on the premises, and the property owner or occupant must allow access to the Village representative for such purposes at such reasonable times.
- B. No property owner or occupant of any premises receiving water service from the Village shall refuse, deny, or otherwise hinder or prohibit admittance by a Village representative to such premise for the purposes set forth herein during any reasonable hour of the day. If a Village representative is refused, denied, or otherwise hindered or prohibited admittance to the premises for the purposes set forth herein, the water to such premises may be shut off by the Village after forty-eight (48) hours' written notice is served on the property owner and occupant by either personal service or certified mail (with return receipt requested).

- C. A violation of this Section by any property owner or occupant shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than a maximum fine of Seven Hundred Fifty Dollars (\$750.00) for each violation. Each day a violation of this Section shall continue shall constitute a separate offense.
- D. Upon the failure of the property owner to correct a violation of this Section, the Village shall have the authority to correct such violation or violations at the cost to the property owner upon the Village providing proper notice to the property owner if the violation presents an immediate threat to life, safety, or welfare or any person.

§13.12.120 Payments – Insufficient Funds. In the event that the owner or occupant of property receiving water service in the Village of Princeville provides payment to the Village by check or ACH account transfer (debit) for any water charge or fee under this Title 13 which is returned or denied by a bank or financial institution by reason of insufficient funds, a closed account, or any other reason except an error by the bank or financial institution, a thirty dollar (\$30.00) service charge will be added to the account. No more than one service charge will be assessed per returned or denied payment should payment be for both water and sewerage charges and fees.

(Ord. 2020-09-02, §5, 9-8-20)

Chapter 13.16

Sewer Service System Generally

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| 13.16.010 | Application – Fee |
| 13.16.020 | Inspection – Disconnection of Service |
| 13.16.030 | No Claims Against Village |
| 13.16.040 | Sewer Installation – Applications – Permits |
| 13.16.050 | Traps and Connections |
| 13.16.060 | Excavations |
| 13.16.070 | Final Inspection |
| 13.16.080 | Sewage Disposal Facilities Required |
| 13.16.090 | Connection to System Required |

§13.16.010 Application – Fee.

- A. Persons desiring to use the Village sewage system shall make written application to the Village Treasurer, including the legal description of the property to be served, the name and address of the owner or owners of the premises, and an agreement by the applicant and owner or owners of the premises to abide by and accept all of the provisions of this Chapter as a condition governing the use of the Village sewage system.
- B. A service connection charge in the amount from time to time determined by the Board shall accompany each application. Where sewer service has been disconnected because of failure of users to pay service charges, there will be a service reconnection charge, in the amount from time to time determined by the Board, which must be paid before sewer service will be resumed.

(Ord. 2020-09-02, §6, 9-8-20)

§13.16.020 Inspection – Disconnection of Service. The Superintendent may inspect any premises connected to the Village sewage system for the purpose of examining and testing meters and ascertaining the location and condition of sewer pipes and fixtures and attachments connected therewith, and he/she may direct that necessary repairs be made by the owner or user and may cut off the sewer service to any premises until such repairs are made.

§13.16.030 No Claims Against Village. No claims shall be made against the Village by reason of the breakage of any main sewer line, service pipe or other fixtures,

or for any interruption of the service by reason of the breakage of machinery, the making of necessary repairs or failure of service for any reason whatsoever, and the Village reserves the right to shut off the sewer service without notice.

§13.16.040 Sewer Installation – Applications – Permits.

- A. Persons desiring to make connection to the Village sewage system shall make application to the Village Treasurer including the legal description of the property, the name of the owner or owners thereof, the intended use of the premises, the name and address of the plumber who is to do the work, and furnishing a certificate of the architect or builder of the amount and kind of materials and fixtures to be used upon the premises in connection with the Village sewage system.
- B. The application shall be accompanied by the initial connection fee now in force or as may from time to time be required by ordinance.
- C. If the materials and fixtures to be employed meet the requirements of this code and of the statutes of the State of Illinois and any regulations which may, from time to time, be promulgated by the Superintendent and it also appears that the work is to be done by a fully qualified plumber, the Superintendent shall thereupon issue a permit for the construction or repair in accordance with the application. Use of the sewer connection for any purpose other than specified in the application and permit shall be grounds for disconnecting the sewer service.

(Ord. 2020-09-02, §7, 9-8-20)

§13.16.050 Traps and Connections.

- A. Stops shall be supplied for every supply pipe at or near the street line.
- B. Traps shall be installed upon all premises sufficient to insure that no grease, refuse, or anything which may endanger the sewage system can enter into the Village sewage system, and all users of the Village sewage system must keep such traps in a clean and operating condition.
- C. There shall be no roof or surface water connected with any pipe which leads to a sewer main. Footing tile shall not be connected to the sanitary sewer.
- D. All connections with the Village sewer main in the street or alley shall be at least six (6) inches in diameter and be made of glazed tile or cast iron sewer pipe of standard make. Cast iron sewer pipe must be used within all buildings and the cast iron pipe must extend to the exterior of the buildings. All joints shall be properly cemented and sealed.

§13.16.060 Excavations.

- A. Excavations for installing or repairing sewer lines shall be made in compliance with the provisions of this code relating to excavations in streets. No excavation in any public place shall be open overnight except by permission of the Superintendent, and where the same shall be left open, lights shall be provided at such excavations and be kept burning dusk to daylight.
- B. Should any excavation in any street, alley or public place be left open for twenty-four (24) hours, except by permission of the Superintendent, or should the work be done improperly, the Superintendent shall have the right to finish or correct the work and the expense thus incurred shall be charged to the plumber whose work is thus finished or corrected, and shall be paid by such plumber, owner or applicant for service before service shall be commenced or the plumber be granted another permit for work within the Village as the Superintendent may see fit.

§13.16.070 Final Inspection. All plumbing shall be done in the manner required by the Superintendent and shall be approved by him/her before service shall be commenced and all fittings and pipes shall be in like manner subject to his/her approval. No work underground shall be covered until examined and approved by the Superintendent.

§13.16.080 Sewage Disposal Facilities Required. Every building or structure in the Village used for residence, business, trade, industry or meeting purposes shall be equipped with properly constructed and installed adequate sewage disposal facilities. The plumbing in all such places shall conform to the ordinances of the Village and the laws of the state relative thereto.

§13.16.090 Connection to System Required. All sewage disposal facilities shall be connected with the Village sewage system unless an application for use of the system is denied because the sewage system is not accessible to the premises involved. Any such premises not connected with the sewage system shall be equipped with an adequate septic tank having a capacity of not less than seven hundred fifty (750) gallons for each seven (7) persons living or working in such place, plus an additional seventy-five (75) gallons for each person in excess of seven (7); provided no septic tank shall have a capacity of less than one thousand five hundred (1,500) gallons.

Chapter 13.20

Sewer Service Rates and Charges

Sections:

- 13.20.010 Bills
- 13.20.020 Delinquent Bills
- 13.20.030 Property Owner's and Occupant's Responsibilities
- 13.20.040 Sewer Rate Schedule
- 13.20.050 Payments – Insufficient Funds

§13.20.010 Bills. All bills for sewage service shall be due and payable within ten (10) days after the last day of the month for which service is furnished, and all of the bills shall be rendered at ten percent (10%) above the rates hereinafter set and if paid within the ten (10) days, the aforesaid ten percent (10%) shall not be collected, but if not so paid, then the ten percent (10%) shall be collected. Failure to receive a sewage service bill shall not relieve the user from payment of ten percent (10%).

§13.20.020 Delinquent Bills. Whenever a bill or any fee for sewage service remains unpaid for thirty (30) days after it is due, it is declared delinquent, and the Superintendent shall turn off the service to the premises of the consumer whose bill or fee is delinquent. In the alternative, the Superintendent, when a sewage service bill is delinquent, may discontinue water service to such premises. When a sewage service bill or any related service fee becomes delinquent, a delinquency notice will be sent and will serve as a notice of delinquency to the owner of the premises, as well as to the occupant or tenant of the property when applicable, seven (7) days prior to the date scheduled for termination of the sewage or water service, informing them of the delinquent amount. If the delinquent bill remains unpaid, then the sewage or water service to the property may be discontinued on the termination date stated in the delinquency notice or any time thereafter, being no sooner than seven (7) days from the date of the delinquency notice. Before the sewage or water service is again commenced to such premises, the property owner or user shall pay all delinquent bills and the additional sum of Fifty Dollars (\$50.00) as hereinbefore provided for a service connection fee, provided that the total combined fee paid under both this Section and Section 13.12.090 shall not be more than Fifty Dollars (\$50.00) for each time sewage service is re-connected.

§13.20.030 Property Owner's and Occupant's Responsibilities. All owners of real estate rendered sewage service by the Village are jointly and severally responsible for the sewage service bills and related fees for users upon premises owned by them, and such property owner shall not be entitled to sewage service to the premises owned by them until all delinquent bills and fees for sewage service to the premises and the service connection fee set forth in Section 13.20.020 have been paid to the Village.

Accordingly, the property owner of the premises receiving sewage service from the Village, the occupant thereof, and the user of the sewage service shall be jointly and severally liable to pay for the sewage service and related sewage service fees on said premises, and the sewage service is furnished to the premises by the Village only upon the condition that the property owner of the premises, occupant, and user of the sewage service are jointly and severally liable to the Village for all billings and fees for this sewage service from the Village. Said sewage bills and fees will run with the property and remain a liability of the individuals aforementioned.

§13.20.040 Sewer Rate Schedule. The monthly sewer rates for processing sewage by the Village for residential, commercial, and industrial users within the Village limits are as follows:

Monthly user fee \$13.00 (flat fee regardless of actual water use)
(this is the minimum charge regardless of actual water usage)

Monthly usage fee \$4.00 per thousand gallons of water usage

(Ord. 2021-12-02, §1, 12-21-21)

§13.20.050 Payments – Insufficient Funds. In the event that the owner or occupant of property receiving sewage service in the Village of Princeville provides payment to the Village by check or ACH account transfer (debit) for any sewage charge or fee under this Title 13 which is returned or denied by a bank or financial institution by reason of insufficient funds, a closed account, or any other reason except an error by the bank or financial institution, a thirty dollar (\$30.00) service charge will be added to the account. No more than one service charge will be assessed per returned or denied payment should payment be for both water and sewerage charges and fees.

(Ord. 2020-09-02, §8, 9-8-20)

Chapter 13.24

Identity Theft Prevention Program

Sections:

| | |
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| 13.24.010 | Purpose |
| 13.24.020 | Scope |
| 13.24.030 | Definitions |
| 13.24.040 | Administration of the Program |
| 13.24.050 | Identify Theft Prevention Elements |
| 13.24.060 | Program Management and Accountability |
| 13.24.070 | Other Legal Requirements |

§13.24.010 Purpose. The purpose of this Identity Theft Prevention Program (“Program”) is to protect customers of the Village’s utility services from Identity Theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention, and mitigation of Identity Theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

§13.24.020 Scope. This Program applies to the creation of, modification of, and access to Identifying Information of a customer of one or more of the utilities operated by the Village by any and all Village personnel, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

§13.24.030 Definitions. When used in this Program, the following terms have the meanings set forth below, unless the context clearly requires that the term be given a different meaning:

“Covered Account” means an account that the Village offers or maintains, primarily for personal, family, household purposes, or a business that is supported from an individual person, that involves or is designed to permit multiple payments of transactions. (16 CFR 681.2(b)(3)(i)). A utility account is a “Covered Account”. The term “Covered Account” also includes other accounts offered or maintained by the Village for which there is a reasonably foreseeable risk to customers the Village or its customers from Identity Theft. (16 CFR 681.2(b)(3)(ii)).

“Identifying Information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official state or government-issued driver’s license or identification number, alien registration number, government passport number,

employer or taxpayer identification number. Additional examples of “Identifying Information” are set forth in 16 CFR §603.2(a).

“Identity Theft” means a fraud committed or attempted using the Identifying Information of another person without authority. (16 CFR §681.2(b)(8) or 16 CFR §603.2(a)).

“Red Flag” means a pattern, practice or specific activity that indicates the possible existence of Identity Theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC’s Identity Theft Rules (16 CFR Part 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 et seq.), as amended by the Fair and Accurate Credit Transactions Act of 2003 into law on December 4, 2003. (Public Law 108-159).

§13.24.040 Administration of the Program. The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the Village Board. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Village Treasurer (“Program Administrator”). Major changes or shifts of policy positions under the Program shall be recommended to the Village Board, who shall determine whether to amend the Program as recommended.

Development, implementation, administration, and oversight of the Program will be the responsibility of the Program Administrator. The Program Administrator may, but shall not be required to, appoint a committee to administer the Program. The Program Administrator shall be the head of any such committee. The Program Administrator will report any changes made annually to the Village Board regarding compliance with this Program.

Changes to be addressed in the Identity Theft Prevention Report include:

- A. Significant incidents involving Identity Theft and management’s response.
- B. Recommendations for material changes to the Program, if needed.

§13.24.050 Identify Theft Prevention Elements.

Identification of Relevant Red Flags. The Village has considered the guidelines and the illustrative examples of possible Red Flags from the FTC’s Identity Theft Rules and has reviewed the Village’s past history with instances of identity theft, if any. The Village hereby determines that the following are the relevant Red Flags for purposes of this Program, given the relative size of the Village and the limited nature and scope of the services that the Village provides to its citizens:

- A. Alerts, notifications, or other warnings received from other agencies or service providers.
- B. The presentation of suspicious documents.
 - 1. Documents provided for identification appear to have been altered or forged.
 - 2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
 - 3. Other information on the identification is not consistent with information provided by the person opening a new Covered Account or customer presenting the identification.
- C. The presentation of suspicious personal Identifying Information, such as a suspicious address change.
 - 1. Personal Identifying Information provided is associated with known fraudulent activity as indicated by internal or third party sources used by the Village. For example:
 - a. The address on an application is the same as the address provided on a fraudulent application; or
 - b. The phone number on an application is the same as the number provided on a fraudulent application.
 - 2. Personal Identifying Information provided is of a type commonly associated with fraudulent activity as indicated by internal or third party sources used by the Village. For example:
 - a. The billing address on an application is fictitious, a mail drop, or a prison; or
 - B. The phone number is invalid, or is associated with a pager or answering service.
 - 3. The person opening the Covered Account or the customer fails to provide all required personal Identifying Information on an application or in response to notification that the application is incomplete.
 - 4. Personal Identifying Information provided is not consistent with personal Identifying Information that is on file with the Village.

D. The unusual use of, or other suspicious activity to, a Covered Account.

1. A new utility account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment not no subsequent payments.
2. A Covered Account with a stable history shows irregularities.
3. Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's Covered Account.
4. The Village is notified that the customer is not receiving any statements.
5. The Village is notified of unauthorized usage of utility products or services in connection with a customer's Covered Account.

E. Notice of Possible Identity Theft.

1. The Village is notified by a customer, a victim of Identity Theft, a law enforcement authority, or any other person that is has opened a fraudulent account for a person engaged in Identity Theft.

Detection of Red Flags. The Village employees who interact directly with customers shall have the responsibility for monitoring the information and documentation provided by the customer and any third party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that might arise. The Program Administrator shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program, so as to be able to recognize any Red Flags that might surface in connection with the transaction.

A Village employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account, or otherwise provide any customer with access to information in an existing account, without the direct supervision and specific approval of the Program Administrator. The Program Administrator shall be properly trained such that he or she can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account, or with modifying or

accessing of an existing account. The Program Administrator shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator shall have a written policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identify and the manner in which the information and documentation provided by the customer and any third party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

Response to Detected Red Flags. If the Village personnel referenced in the previous section are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account, or modify or otherwise access an existing account, based on the information and documentation provided by the customer and any third party service provider, the Village shall not open the new account, or modify or otherwise provide access to the existing account, as the case may be. The Village will not tolerate discrimination in the opening of new accounts, or in the modification or access to existing accounts.

The Program Administrator shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer's account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

- A. Monitoring a Covered Account for evidence of Identity Theft.
- B. Contacting the customer.
- C. Changing any passwords, security codes, or other security devices that permit access to a Covered Account.
- D. Reopening a Covered Account with a new account number.
- E. Not opening a new Covered Account.
- F. Closing an existing Covered Account.

- G. Not attempting to collect on a Covered Account.
- H. Notifying law enforcement.
- I. Determining that no response is warranted under the particular circumstances.

§13.24.060 Program Management and Accountability.

Initial Risk Assessment – Covered Accounts. Utility accounts for personal, family and household purposes are specifically included within the definition of “Covered Account” in the FTC’s Identity Theft Rules. Therefore, the Village determines that, with respect to its residential utility accounts, it offers and/or maintains Covered Accounts. The Village also performed an initial risk assessment to determine whether it offers or maintains any other account for which there are reasonably foreseeable risks to customers or the utility from Identity Theft. In making this determination, the Village considered (1) the methods it uses to open its account, (2) the methods it uses to access its accounts, and (3) its previous experience with Identity Theft. The Village has added business accounts opened by an individual as a sole proprietorship to its definition of a “Covered Account”.

Program Updates – Risk Assessment. The Program, including relevant Red Flags, is to be updated or reviewed as often as necessary but at least annually to reflect changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

- A. An assessment of the risk factors identified above.
- B. Any identified Red Flag weaknesses in associated account system or procedures.
- C. Changes in methods of Identity Theft.
- D. Changes in methods to detect, prevent, and mitigate Identify Theft.
- E. Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

Training and Oversight. All Village personnel and third party service providers performing any activity in connection with one or more Covered Accounts are to be provided appropriate training, and are to receive effective oversight, to ensure that they activity is conducted in accordance with policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

§13.24.070 Other Legal Requirements. Awareness of the following related legal requirements should be maintained:

- A. 31 U.S.C. 5318(g) – Reporting of Suspicious Activities
- B. 15 U.S.C. 1681c-1(h) – Identify Theft Prevention; Fraud Alerts and Active Duty Alerts – Limitations on Use of Information for Credit Extensions
- C. 15 .S.C. 1681s-2 – Responsibilities of Furnishers of Information to Consumer Reporting Agencies
- D. 15 U.S.C. 1681m – Requirements on Use of Consumer Reports