

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 31, ARTICLE IV OF THE CODE OF THE CITY OF PEORIA RELATING TO APPEALS OF THE STORMWATER UTILITY FEE**

**WHEREAS**, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, The City adopted Ordinance No. 17,523 on December 5, 2017 establishing a stormwater utility for the City of Peoria and setting forth a regulatory scheme for said utility in Chapter 31 of the Code of the City of Peoria; and

**WHEREAS**, Section 31-175 of the Code outlines the method for appealing a determination of the stormwater utility fee; and

**WHEREAS**, stormwater utility users are provided with three levels of appeal if they disagree with the method for determining their stormwater utility fee; and

**WHEREAS**, a property owner can first appeal to the Public Works Department, then file a second appeal with the Director of Public Works and file a third appeal to the Construction Board; and

**WHEREAS**, a majority of the current members of the Construction Board would have to recuse themselves from hearing appeals of stormwater utility bills due to work the members or the members' employer provide to the City involving the City's stormwater utility; and

**WHEREAS**, an independent administrative hearing officer would provide a hearing without risk of conflict of interest as well as a hearing format more conducive to an Administrative Appeal, if necessary; and

**WHEREAS**, an independent administrative hearing officer would provide the homeowner appropriate due process on their third level of appeal; and

WHEREAS, the City has determined that a modification to the ordinance requiring the third level appeal being heard by an administrative hearing officer instead of the Construction Board is in the best interest of the citizens of the City of Peoria.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:**

**SECTION 1.** the recitals above shall be and are incorporated into this Section 1 as if fully restated herein.

**SECTION 2.** Article IV (Stormwater Utility) of Chapter 31 (Waters, Sewers, Sewage Disposal and Drains) is hereby amended by deleting the following stricken words and adding the following underlined words:

Sec. 31-175. - Appeals.

(d) If a third appeal of the determination is requested, the request will be heard and a decision will be rendered by ~~the construction board~~ an administrative hearing officer. All ~~construction board~~ procedures outlined in Chapter 32 (Administrative Adjudication) shall be followed in order to have the appeal heard. The decision by the ~~construction board~~ administrative hearing officer will be considered final.

**SECTION 3.** This ordinance takes effect immediately after its publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this \_\_\_ day of \_\_\_\_\_ 2021.

APPROVED:

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Mayor

ATTEST:

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City Clerk

EXAMINED AND APPROVED:

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Corporation Counsel