

VILLAGE OF BRADLEY

ORDINANCE NO. O-5-18-2

AN ORDINANCE AMENDING CHAPTERS 18 AND 54 OF THE BRADLEY VILLAGE CODE
REGARDING SEWER CHARGES.

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 29 DAY OF MAY, 2018

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this ____ day of _____, 2018

ORDINANCE NO. O-5-18-2

**AN ORDINANCE AMENDING CHAPTERS 18 AND 54 OF THE BRADLEY VILLAGE
CODE REGARDING SEWER CHARGES.**

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-117-1, the Corporate Authorities of the Village have the authority to own and operate municipal utilities, including but not limited to a municipal sewer system; and

WHEREAS, the Village has exercised its authority to own and operate a municipal sewer system and currently provides municipal sewer services to its residents; and

WHEREAS, the Corporate Authorities of the Village have the authority to fix the rates and charges associated with the use of said municipal sewer system; and

WHEREAS, the Corporate Authorities of the Village previously fixed the rates and charges associated with the use of said municipal sewer system by ordinance; and

WHEREAS, over the years, some portions of the sewer charge provisions of the Village Code have become obsolete on account of the Village outsourcing the operation of its sewage treatment facilities to the Kankakee Regional Metropolitan Authority (“KRMA”) via an intergovernmental agreement between the Village and KRMA; and

WHEREAS, the Corporate Authorities of the Village wish to update the Village Code to remove these obsolete provisions; and

WHEREAS, the Corporate Authorities also desire to change the units used to calculate sewer usage rates and associated charges from cubic feet to gallons; and

WHEREAS, the Corporate Authorities of the Village have determined that amending the Village Code in the manner set forth in this Ordinance, *infra*, is in the best interests of the citizens of the Village of Bradley.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That Chapter 54 (Utilities), Article III (Sewer Service), Division 5 (User Charge System, Rates and Additional Charges), Section 54-204 (Charges to be imposed) is hereby modified and replaced with the following:

Sec. 54-204. - Charges to be imposed.

- (a) Pursuant to the Federal Sewage and Sewage Treatment Act, as amended, federal rules, regulations and guidelines promulgated pursuant to such act, and pursuant to section 46 of the Illinois Environmental Protection Act, 415 ILCS 5/46, there is hereby imposed and levied upon all users of the village treatment works such charges as are fixed in this division to be utilized by the village to pay for the treatment works operation, maintenance, replacement, and debt service costs.
- (b) A Usage Fee shall be charged to all Users that discharge wastewater to the village treatment works to cover each User's proportionate share of the village's operational costs associated with the village treatment works.
- (c) A Capital Maintenance and Replacement Fee shall further be charged to all Users that discharge wastewater to the village treatment works to cover each User's proportionate share of the village's maintenance, replacement, and debt service costs, as the case may be.
- (d) The User Charge for each User of the village's treatment works shall be a monthly charge levied by the village that is equal to the sum of the applicable Usage Fee (the base Usage Fee rate per 1000 gallons times the user's billable flow) plus the Capital Maintenance and Replacement Fee.
- (e) All users of the village's treatment works not having a water meter or other acceptable device for determining billable flow shall be subject to a fixed user charge in an amount determined by the village to be equal to those charges imposed on users having similar water use and wastewater characteristics. The village, at the direction and discretion of the superintendent, may require a user receiving all or part of his water from a private well or other source not metered by the village or other public or private supplier of potable water to install at the user's expense an appropriate metering device for the purpose of determining billable flow.
- (f) Annual estimates of costs and review of user charge rates.
 - (1) The superintendent, not less than annually, shall prepare an estimate of treatment works cost components for operation, maintenance, replacement and debt service for the forthcoming fiscal year. These estimated cost components shall be reviewed no less than annually by the village and approved by the village board of trustees.
 - (2) An estimate shall also be prepared by the superintendent of the total billable flow, billable pounds of BOD and billable pounds of SS for the forthcoming fiscal year. This estimate of costs, including each respective billable load, shall be used to derive the user charge rate for the forthcoming fiscal year.

(3) User charge rates shall be reviewed annually by the superintendent to determine if the rates will provide sufficient revenues to pay the future costs of operation, maintenance, replacement and debt service. If the present revenues are not sufficient or do not maintain proportionality, as determined by the superintendent, a new user charge rate, as calculated in the superintendent's review, shall be enacted by the village to replace the rates then in effect. User charge rates so enacted by the village by ordinance shall remain in effect until modified or rescinded by a subsequent duly passed ordinance.

(g) In conjunction with a regular bill, all users shall be notified annually by the village of the user charge rates and fees which are attributable to the village treatment works operation, maintenance, replacement and debt service.

(h) Moneys for replacement shall be sufficient to replace any treatment works equipment (personal property) owned by the village necessary to ensure its continued efficient performance and to maintain the treatment works capacity for which it was designed and constructed. The service life for personal property shall be established by the village in accordance with the actual experience of the village, federal guidelines and accepted accounting procedures. Should personal property be acquired by the village, it shall maintain a depreciation replacement schedule of all personal property, including residual asset value, estimated remaining service life and the total annual replacement costs; and such estimated costs shall be included in the above rate determination. This schedule shall be evaluated annually.

SECTION 3. That Chapter 54 (Utilities), Article III (Sewer Service), Division 5 (User Charge System, Rates and Additional Charges), Section 54-205 (User Charge Rates) is hereby modified and replaced with the following:

Sec. 54-205. - User charge rates.

(a) The following User Charge Rates are hereby established and shall be charged each and every user connected to the village treatment works:

(1) **Usage Fee:** A Usage Fee shall be charged to all users who discharge wastewater to the village treatment works and shall be charged at the following rates per 1000 gallons of billable flow:

Village Fiscal Year	2018	2019	2020	2021	2022
Rate/1000 Gallons	\$5.15	\$5.30	\$5.46	\$5.63	\$5.80

(2) **Capital Maintenance and Replacement Fee:** A Capital Maintenance and Replacement Fee shall be charged to all users who discharge wastewater to the village treatment works and shall be at the following rates per month:

Village Fiscal Year	2018	2019	2020	2021	2022

Rate/Month	\$13.00	\$13.39	\$13.79	\$14.21	\$14.63
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- (b) The user charge for all domestic village treatment works users not having a water meter shall be the median charges (Usage Fee + Capital Maintenance and Replacement Fee) for all other residential users.
- (c) Every May 1, water consumed during the previous billing period shall be computed based on the monthly average from the previous period of months from and including the previous November through and including the previous April. All User Charges shall be based on a monthly usage; however, the monthly usage shall be determined to be the average figure as computed in this section.

SECTION 4. That Chapter 18 (Fees and Other Charges), Section 18-1 (Fees) is hereby modified to remove the following, stricken text:

54-205(3)	Base user charge rates—surcharge	
	O, M and R unit BOD charge	0.15 per lb
	Debt service unit BOD charge	0.00 per lb
	BOD surcharge	0.15 per lb
	O, M and R unit SS charge	0.19 per lb
	Debt service unit SS charge	0.00 per lb
	SS surcharge	0.19 per lb

SECTION 5. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 6. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 7. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 29 day of MAY, 2018.

TRUSTEES:

GERALD BALTHAZOR	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
ROBERT REDMOND	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
LORI GADBOIS	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u> </u>	Nay - <u>✓</u>	Absent - <u> </u>
DON BARBER	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
NICK ALLEN	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>

VILLAGE PRESIDENT:

BRUCE ADAMS Aye - Nay - Absent -

TOTALS: Aye - 5 Nay - 1 Absent - 0

ATTEST:

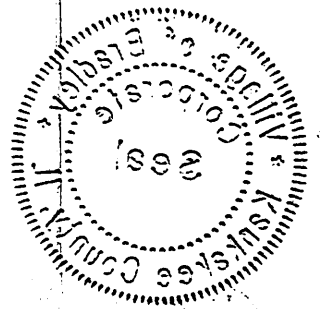
Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 29 day of MAY, 2018.

Bruce Adams *MPT*
BRUCE ADAMS, VILLAGE PRESIDENT



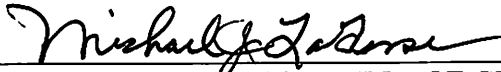
ATTEST:
Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK



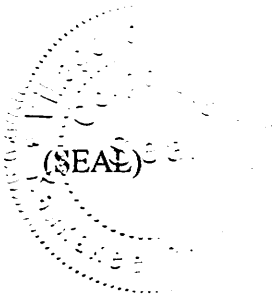
STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGesse, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-5-18-2, "AN ORDINANCE AMENDING CHAPTERS 18 AND 54 OF THE BRADLEY VILLAGE CODE REGARDING SEWER CHARGES," which was adopted by the Village President and Board of Trustees at a meeting held on the 29 day of MAY, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 29 day of MAY, 2018.



MICHAEL J. LAGESSE, VILLAGE CLERK



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