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Recorded: 12/20/2013 at 01:45:43 PM
Receipt#: 2013-00082862
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Fees: \$36.00
IL Rental Housing Fund: \$0.00
Lake County IL Recorder
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VILLAGE OF ANTIOCH

File **7064466**

ORDINANCE NO. 13-12-24

**AN ORDINANCE AMENDING CHARGES AND RATES FOR THE USE OF AND SERVICES
SUPPLIED BY THE COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE
VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS AND AMENDING CERTAIN
PROVISIONS OF ORDINANCE NO. 08-08-02 HERETOFORE ADOPTED
FEBRUARY 19, 2008**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

December 16, 2013

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 18th day of December, 2013**

LAWRENCE M. HANSON	President	DENNIS B. CROSBY	Trustee
LORI K. FOLBRICK	Clerk	MARY C. DOMINIAK	Trustee
ROBERT J. LONG	Attorney	JERRY T. JOHNSON	Trustee
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		GEORGE C. SAKAS	Trustee

*Mail to: Lori K. Folbrick, Village Clerk
874 Main Street
Antioch, IL 60002*

⑪ 11/11

ORDINANCE NO. 13-12-24

AN ORDINANCE AMENDING CHARGES AND RATES FOR THE USE OF AND SERVICE SUPPLIED BY THE COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS AND AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 08-02-02 HERETOFORE ADOPTED FEBRUARY 19, 2008 .

WHEREAS, the Village of Antioch, Lake County, Illinois has, by ordinances heretofore adopted, provided for the combining of its waterworks system and sanitary sewerage system and the operation thereof as a combined waterworks and sewerage system, and has further provided for the construction of improvements and extensions to the combined system and the issuance of bonds to defray the cost of constructing such improvements and extensions, pursuant to and in compliance with provisions of the Illinois Municipal Code; (the "Code") and Division 139 of Article 11 and Division 4 of Article 8 of the "Local Government Debt Reform Act," and all laws amendatory thereof and supplementary thereto; and

WHEREAS, pursuant to provisions of the Code hereinabove referred to, the Village has placed in operation facilities for the collection and treatment of wastewater to promote the health, safety, comfort and convenience of its inhabitants, and for the safeguarding of public water resources including the recent construction of a new wastewater treatment plant within the west facilities planning area of the Village, in compliance with the standards, rules and regulations of the Illinois Environmental Protection Agency and other jurisdictional regulatory agencies and in connection with the same has become obligated to repay a loan obtained under the State of Illinois Revolving Loan Program; and

WHEREAS, pursuant to the provisions of the Code hereinabove referred to and ordinances of the Village heretofore adopted, the Village has established rates and charges, rules and regulations for the use of an services supplied by the combined system to pay the cost of operation, maintenance and replacement thereof and to make due and timely payments on bonds and loans heretofore authorized and proposed to be issued for the construction of improvements and extensions to the combined system; and

WHEREAS, the corporate authorities deem it necessary to make certain changes in such rates and charges as heretofore established in order that the Village shall comply with all rules and regulations established by State and County agencies, and in order that such rates and charges shall be sufficient at all times to pay the cost of operation and maintenance of the combined system, provide an adequate depreciation fund, and to make due and timely payments as required under provisions of ordinances of the Village providing for the issuance of bonds and the loan agreement; and

WHEREAS, consistent with concepts of fundamental fairness, in the development of the sewer user charge system, the new rates and charges established for sewer services shall be proportionate to each user, or user class, in compliance with rules and regulations for a sewer user charge system which shall be proportionate to each user, or user class, based upon the volume of use and/or the characteristics of wastewater discharge to the system and such sewer user charges shall be uniform to all users within the Village; and

WHEREAS, Village staff has completed a study of the rates and charges for the combined water and sewer systems and has determined that the current water and sewer rates do not provide funding for long-term sustainability of infrastructure and equipment, nor can the current rates adequately provide for increases in costs for routine operations and maintenance of the water and sewer systems; and

WHEREAS, Village staff has provided the Mayor and Board of Trustees with its recommendations for increasing water and sewer rates in order to provide funding for capital improvements and to adequately provide the funds necessary to meet increasing costs for operation and maintenance of the water and sewer systems; and

WHEREAS, the corporate authorities find that the economic health of the combined water and sewer system is vitally important to the ability of the Village to supply adequate amounts of potable water to its residents and businesses and to prevent the discharge of pollution into the region's waterways, and to comply with all applicable pollution control statutes, rules and regulations; and

WHEREAS, the corporate authorities therefore deem it necessary and in the best interests of the Village, its residents, businesses and taxpayers to adopt the provisions of this ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois as follows:

Section 1: That provisions of Ordinance Numbers 08-02-02 and 11-07-10 of the Antioch Municipal Code pertaining to rates and charges of the combined system be and the same are hereby amended and in place thereof there shall be and there are hereby established rates and charges for the use of the services supplied by the combined waterworks and sewerage system of the Village, based upon the amount of water consumed, as shown by water meters as follows:

1. Water Service Charge Bimonthly:

For each residential, commercial, industrial and municipal user of the water service of the combined waterworks and sewerage system, there shall be a bimonthly charge or rate based upon the amount of water consumed each bimonthly period as follows:

The minimum charge for water service applicable to each single metered account shall be \$12.00 each bimonthly period and \$6.00 each bimonthly period for each additional unit served through a single connection.

Metered water flow charges shall be \$2.58 per each one-thousand gallons used effective August 1, 2013. On each subsequent August 1st, the rate will increase by 3% to meet the needs of the increasing operating costs without the need of further action by the corporate authorities.

2. Sewer Service Charges Bimonthly:

For each residential, commercial, industrial and municipal user of the sewer service of the combined waterworks and sewerage system, there shall be a bimonthly sewer charge based upon the amount of water consumed each bimonthly period. This bimonthly sewer charge shall consist of two separate components, being a minimum charge and a user rate. The user rate is divided into two service areas, one serviced by the Antioch municipal wastewater treatment plant and one serviced by the Lake County Public Works wastewater treatment plant.

The minimum charge applicable to each additional unit served through a single sewer tap shall be fifty percent of the charge applicable to single-metered connections. These are calculated as follows:

Minimum Charges

Each Metered User
\$26.00

Each Additional Unit
\$13.00

Bimonthly User Rates

West

In the West Service Area, metered water flow charges shall be \$4.12 per each one-thousand gallons effective August 1, 2013. Each subsequent year the rate will increase by 3% to meet the needs of the increasing operating costs without the need of further action by the corporate authorities.

East

In the East Service Area, metered water flow charges shall be \$4.12 per each one-thousand gallons effective August 1, 2013. Each subsequent year the rate will increase by 3% to meet the needs of the increasing operating costs without the need of further action by the corporate authorities. Additionally, in the event the Lake County Department of Public Works increases its treatment fees, the rate will increase

proportionally to those increases without the need of further action by the corporate authorities.

The bimonthly sewer charges for sewer service applicable to each single metered connection in the East Service Area shall be received as restricted funds to be used for the following:

- A) to pay fixed expenses applicable to the operation and maintenance and replacement of the sewer collection system;
- B) to pay the treatment charges imposed by the Lake County Department of Public Works.

The bimonthly sewer charges for sewer service applicable to each single metered connection in the West Service Area shall be received as restricted funds to be used for the following:

- A) to pay fixed expenses applicable to the operation and maintenance and replacement of the sewer collection system;
- B) to pay fixed expenses applicable to the operation and maintenance of the wastewater treatment plant; and
- C) to pay a proportional share of any applicable annual debt service requirements of bonds or loans applicable to the water treatment plant.

3. Water Service Only:

For each user of the water service only of the combined system within the corporate limits there shall be a bimonthly charge based upon the amount of water consumed each bimonthly period as follows:

Each 1,000 gallons @ \$2.58 per 1,000 gallons

Metered water flow charges shall be \$2.58 per each one-thousand gallons used effective August 1, 2013. On each subsequent August 1st, the rate will increase by 3% to meet the needs of the increasing operating costs without the need of further action by the corporate authorities.

The minimum charge for water service only shall be \$12.00 each bimonthly period.

4. Sewer Service Only:

For each non-metered user of the sewerage system within the corporate limits there shall be a flat rate charge of \$86.00 each bimonthly period. The flat rate charge is computed in the following manner:

Basic user charges	-	\$16.00
Debt service charge	-	10.00
Usage rate to 15,000 gallons-		<u>60.00</u>
Total non-metered use	-	\$86.00

On August 1, 2014 and on each subsequent August 1st thereafter, the usage rate will increase by 3% to meet the needs of the increasing operating costs without the need of further action by the corporate authorities.

In the event usage of the wastewater facilities is determined to be in excess of 15,000 gallons per bimonthly period, the Village may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of services supplied.

5. Outside the Corporate Limits:

Each user of the combined system of the Village located outside the corporate limits shall be billed at the rate of 200% of the rate charged to properties within the corporate limits.

For those properties served by the Oakwood Knolls Water Association the minimum charge for water service applicable to each single metered account shall be \$12.00 each bimonthly period and \$6.00 each bimonthly period for each additional unit served through a single connection. Metered water flow charges shall be billed at the rate charged to properties within the corporate limits

6. Surcharge Rates – (if applicable): In the event use of the wastewater facilities by non-residential users is determined by the Superintendent to include wastes in addition to average strength domestic waste, the user shall pay a surcharge cost in addition to the debt service charge, the basic user charge and the basic user rates.

A surcharge will be levied upon all users whose wastes exceed the normal concentrations for BOD5 (200 mg/l), SS (240 mg/l), NH3 (30 mg/l) and phosphorus (25 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the concentrations for BOD, SS, ammonia, nitrogen and phosphorus content, respectively.

The rates of surcharge shall be as follows:

For biochemical oxygen demand (BOD ₅)	\$0.19 per lb./BOD
For suspended solids (SS)	0.10 per lb./SS
For ammonia nitrogen (NH ₃)	0.53 per lb./NH ₃
For phosphorus content (P)	0.82 per lb./P

Section 2: Multiple Unit Users: A multiple unit user is defined as any additional number of family or commercial units located on the same premises, or being served through a single water meter or sewer connection, where there are no separate water meters for each unit, such as apartment buildings, more than one commercial unit in the same building, or commercial and residential units located in the same building. In all such cases, there shall be an additional basic user charge and debt service charge for each additional unit provided with water and sewer service and served by the single connection. The additional charges applicable to the number of units served through the single connection shall be added to the single-metered connection for services.

Section 3: That for the purpose of the operation of the combined waterworks and sewerage system, the calendar year shall be divided into six bimonthly periods containing two calendar months and said bimonthly period shall begin on the first day of May, July, September, November, January and March in each of the years. The owner of the premises shall be liable to pay for the service on such premises and the services furnished to the premises by the Village of Antioch.

All bills for service shall be billed to the owner of the property and rendered bimonthly within the first seven working days of the month succeeding the period for which the service is billed, and shall be payable no later than the close of business on the thirtieth day following the rendition of the bill. If payment is not made within said thirty-day period, a penalty of ten percent (10%) of the amount of the bill shall be added thereto and a late notice will be mailed to the owner. If payment is not made after 60 days a notice of intent to record a lien and intent to shut-off services shall be mailed. If payment is not made after 90 days a notice to lien and shut-off service with payment due in five days will be mailed.

Section 4: In the event the charge for services are not paid within sixty (90) days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquency shall constitute liens upon the real estate for which such service is supplied, and the Village Clerk is hereby authorized and directed to file a sworn statement showing such delinquencies in the office of the Recorder of Deeds of Lake County, Illinois, and the filing of such statement shall be deemed a lien and public notice for the payment of such charges for such service. The owner of the property shall be responsible for the payment of fees to record and release such liens as well as an administrative fee of \$15.00.

Section 5: If the rates or charges for such service are not paid within ninety days (90) days after the rendition of the bill for such service, such service shall thereafter be discontinued without further notice and shall not be reinstated until all past due bills including the penalties thereon are paid in full together with payment made of \$100.00 for reinstating such service

Section 6: Any owner desiring for his convenience a shutting off of the water supply shall make application therefore to the Village Treasurer and a charge of \$100.00 shall be made for shutting off and turning on of the water at the request of any such user. Such shutting off of the water shall not avoid the imposition of and the liability for the payment of minimum basic user charges elsewhere provided in this ordinance. The Village reserves the right to refuse to turn water off in the event persons other than the one requesting the shut off are residing in the property.

Section 7: It is hereby made the duty of the Village Treasurer of the Village of Antioch to render a bill for service and for all rates and charges in connection therewith and to collect all monies due thereon.

Section 8: That all revenues and monies derived from the operation of the combined waterworks and sewer system shall be held by the Village Treasurer separate and apart from her private funds and separate and apart from all other funds of the Village, and all of said sum, without any deduction whatever, shall be delivered to the Village Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

Section 9: The Village Treasurer shall receive all such revenues from the combined waterworks and sewer system and all other funds and monies incident to the operation of said system as the same may be delivered to her and deposit the same in a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Antioch" and said Treasurer shall administer such fund in every respect in the manner provided by the applicable provisions of Division 139 of Article 11 of the Illinois Municipal Code, approved May 29, 1961 and all laws amendatory thereof and supplementary thereto and as provided in the ordinances heretofore adopted authorizing the issuance of bonds and the loan agreement of said Village.

Section 10: No free service of any of the services supplied by the combined waterworks and sewer system including non-returned water to the sanitary system shall be supplied by the Village to any person, firm, organization or corporate entity, public or private.

Section 11: At the sole discretion of the Village Administrator or his designee, under reasonable terms, portions of the service charges may be negotiated when the situation warrants, or payment plans may be established.

Section 12 Accounting: The Waterworks and Sewerage Fund is the principal accounting designation for all revenues received and expenses incurred in the operation of the waterworks and/or sewerage system. These revenues and expenses shall be accounted for so that water system revenues and expenses shall be recorded separately in the waterworks account of the Fund and revenues and expenses of the sewerage system shall be recorded separately in the sewer account of the Waterworks and Sewerage Fund.

In addition to the customary operating statements, the annual audit report shall also reflect the separate revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the user charge system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
2. Billing data to show total number of thousand gallons billed.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system, metered and additional units served.
5. Number of non-metered users.
6. A list of users discharging non-domestic wastes (industrial users) and volume of wastewater discharge.

The annual audit report shall contain such other financial information consistent with future guidelines to be established by the Illinois Environmental Protection Agency.

Section 13: Rate Adjustment: The water and sewer rates and charges described herein shall be increased by 3% each subsequent year to reflect an increase in operating costs incurred in either the water department or sewer department as shown in the audit report of the Waterworks and Sewerage Fund of the preceding fiscal year, or an increase which may be due to an increase in debt service charges.

Section 14: That a copy of this ordinance, properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of Lake County, Illinois. It shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the services of the combined waterworks and sewerage system of the Village on their properties.

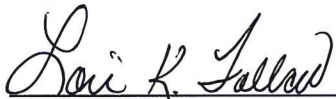
Section 15: All ordinances and parts of ordinances in conflict herewith to the extent of such conflict are hereby repealed. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect the remaining provisions of this ordinance.

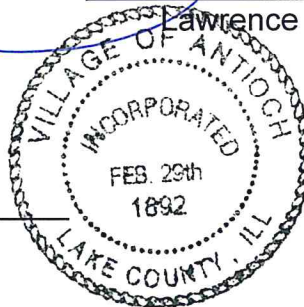
Section 16: This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and the rates for services described herein shall be applicable to all services supplied on and after August 1, 2013.

Passed this 16 day of December, 2013

	Ayes:	Nays:	Absent/Abstain:
Dennis B. Crosby	<u> x </u>	<u> </u>	<u> </u>
Mary C. Dominiak	<u> x </u>	<u> </u>	<u> </u>
Jerry T. Johnson	<u> x </u>	<u> </u>	<u> </u>
Scott A. Pierce	<u> </u>	<u> </u>	<u> x </u>
Ted P. Poulos	<u> x </u>	<u> </u>	<u> </u>
George C. Sakas	<u> </u>	<u> </u>	<u> x </u>

Attest:


Lori K. Folbrick, Village Clerk




Lawrence M. Hanson, Mayor

Presented and read at the regular meeting of the President and Board of Trustees of the Village of Antioch held on the 16 day of December, 2013.

Passed and approved at a regular meeting of the President and Board of Trustees of the Village of Antioch held on the 16 day of December, 2013.

Recorded in the Office of the Recorder of Deeds of Lake County, Illinois, the ____ day of December, 2013.

Recorder of Deeds, Lake County, Illinois

(SEAL)

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

CERTIFICATE

I, Lori K. Folbrick, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on December 16, 2013, the Corporate Authorities of such municipality passed and approved Ordinance No. 13-12-24, entitled "AN ORDINANCE AMENDING CHARGES AND RATES FOR THE USE OF AND SERVICE SUPPLIED BY THE COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS AND AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 08-02-02 HERETOFORE ADOPTED FEBRUARY 19, 2008." which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 13-12-24**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 18, 2013 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 18 day of December, 2013


Lori K. Folbrick, RMC/CMC
Village Clerk

