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**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 2018 - O - 001**

**REVISED WATER RATE**

**AN ORDINANCE ADJUSTING THE VILLAGE'S WATER RATES  
IN ORDER TO FACILITATE A LOAN WITH THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
AND  
AMENDING CHAPTER 98-UTILITIES, ARTICLE I – IN GENERAL  
– SECTIONS; 98-2 – WATER AND SEWER TAP-ON INSPECTION  
CHARGE; 98-3 – ESTABLISHING A CONNECTION FEE AND  
SUBCLASSES THEREOF; ARTICLE III -WATER SERVICE;  
DIVISION I –GENERALLY; SECTIONS; 98-83 – RIGHT OF ACCESS  
TO PREMISES; 98-89 – LOCATION OF WATER METER; REMOTE  
READ OUT DEVICE REQUIRED; DIVISION 2 – ADMINISTRATION  
– SECTIONS; 98-126 – DEPOSIT; 98-135 – AUTHORITIES TURNING  
ON OF WATER AFTER SHUT OFF BY VILLAGE;  
RESPONSIBILITY OF OWNER; DIVISION 3 – RATES AND  
CHARGE SECTIONS; 98-161 – RATES ESTABLISHED; 98-162 –  
WATER RATES DURING CONSTRUCTION; CONTRACTORS; 98-  
163 – PAYMENT OF CHARGES; 98-164 – METER READINGS; 98-  
166 – TERMINATION OF SERVICE FOR NON-PAYMENT; 98-167 –  
LIEN FOR WATER CHARGES; AND DIVISION 4 – WATER  
METERS AND ALL SUBSECTIONS OF DIVISION 4 – SECTIONS 98-  
191 THROUGH SECTIONS 98-220, OF THE CODE OF  
ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY,  
ILLINOIS**

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**WHEREAS**, the Village of Burnham, Cook County, Illinois, has elected by referendum on March 11, 1980, to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare, to license, to tax, and to incur debt; and

**WHEREAS**, as a result of the increase in water rates charged to the Village of Burnham by the City of Chicago and by the City of Hammond, the Corporate Authorities of the Village deem it advisable to increase the water rates charged to the consumers of water furnished by the Village of Burnham; and

**WHEREAS**, the Village of Burnham, Cook County, Illinois, operates its public water supply system (the System) and in accordance with the provisions of the Constitution of the State of Illinois Article VII Sec.6 (A) and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively the Act); and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham (the Corporate Authorities) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the public water supply system; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham have determined it is reasonable to upgrade the Village's water supply to the Village Hall area by installing an additional eight (8) inch water distribution pipe together with any land or rights in

land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (new water meters and water main extension), all in accordance with the plans and specifications prepared by the consulting engineers of the Village of Burnham which Project has a useful life of more than 25 years; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham have determined that it is reasonable to upgrade the Village's water meter reading and billing facilities in order to more efficiently operate the Village's water distribution system; and

**WHEREAS**, the Illinois Environmental Protection Agency (IEPA) has in place a low interest loan program that would allow the Village to borrow funds necessary to upgrade the system; and

**WHEREAS**, in order to repay the loan, the IEPA requires the Village to adjust its water rates in order to demonstrate a dedicated revenue stream pledged to repay the loan; and

**WHEREAS**, the current revenue of the water system will not support said loan payments; and

**BE IT ORDAINED**, by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

**Section 1. INCORPORATION OF PREAMBLES**

**THAT**, the Corporate Authorities of the Village hereby find that all the recitals contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section; and

**Section 2. WATER AND SEWER TAP-ON INSPECTION CHARGE.**

**THAT**, Section 98-2 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-2. Water and sewer tap-on inspection charge.**

There is hereby established the charge of \$200.00 for each inspection payable to the Village for its inspection of the physical tap-in to either the water and/or the sewer system of the Village (i.e. \$200.00 for water, \$200.00 for sewer, \$400.00 for water and sewer). Such charge shall not be part of the connection charge authorized by statute but shall merely defray the cost to the Village for employing and maintaining the plumbing inspector or water engineer to carry out the inspection of tap-in connection into either its water or sewer system. The fee shall be uniform with regard to each physical connection into either system without regard to the size of the connection or the number or type of units which the single connection shall serve.

**Section 3. ESTABLISHING A CONNECTION FEE AND SUBCLASSES THEREOF**

**THAT**, Section 98-3 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-3. Establishing a connection fee and subclasses thereof.**

- (1) Fee established; when assessed; determination. Pursuant to the authority granted in 65 ILCS 5/11-15 and upon authority contained in other provisions of the state statutes, there is hereby established within the Village, a charge for connecting into the waterworks or sewerage, or combined systems of the Village. Such charge is to be assessed against new or additional users of the sewage collection and treatment system or the water system of the Village and shall be known as a connection charge. The charge shall be payable at the time a building or connection permit is issued. Contained within the connection charge are a number of sub-charges or subcategories. In some instances, the charge established shall be a sum fixed within

this Article. In other instances, such charge shall be based upon the cost to the Village of the extension of a particular part of the system. In some instances a subcharge may be based upon the volume and strength of the proposed usage. If the building plans are not susceptible to an accurate estimate of the volume and strength of the usage, the person desiring to make the connection shall pay that portion of the fee based upon the most accurate estimate which can be made upon the plan submitted. At the time that the sewer and/or water connection is in full use, a reevaluation of the volume and strength of the usage shall be made and an adjustment of the fee shall be applied. Such reevaluation shall be made within one year of the date at which the operation, in the opinion of the President and Board of Trustees, shall have reached its full use. The connection charge shall be determined by adding together the subcharges which are applicable to the particular new or additional user of the system. There shall be three subcharges, the sum of which shall constitute the total connection fee for entrance into the water and/or sewer system. The three subcharges shall be known as:

- a. The water connection tap-on fee;
- b. The sewer connection tap-on fee; and
- c. The water and sewer expansion and extension connection fee

- (2) Water connection tap-on fee. The water connection tap on fee shall be based upon the type of the water tap made into the water system. This fee is intended to reimburse the Village for a portion of the water system previously created by the Village into which the user now seeks to connect. The schedule of taps and charges shall be as follows:

Type of Tap	Charge	Additional Units
Residential	\$250.00	\$250.00
Commercial	\$300.00	\$300.00
Industrial	\$350.00	\$350.00

The charges for tapping into the water system of the Village which are larger than 2½ inches in diameter, or for properties which are located outside of the corporate limits and which the Village at its absolute discretion wishes to allow to tap into the Village system, shall be determined on an individual basis by the President and Board of Trustees. The corporate authorities in reaching such a decision shall seek the opinion of the Village Engineer with regard to the proportionate cost to the Village in producing and transporting the volume of water through existing facilities required by the user. The water connection tap-on fee charge described in this section pertains to each single-family, commercial, or industrial connection. If any particular building or premises shall contain more than one dwelling or commercial unit or industrial unit, there shall be an additional water connection tap-on fee, as follows: \$250.00 for each residential unit; \$300.00 for each commercial unit; and \$350.00 for each industrial unit to be served.

- (3) Sewer Connection tap-on fee. The sewer connection tap-on fee shall be based upon the type of the sewer tap made into the sewer system. This fee is intended to reimburse the Village for a portion of the sewer system previously created by the Village into which the user now seeks to connect. The schedule of taps and charges shall be as follows:

Type of Tap	Charge	Additional Units
Residential	\$250.00	\$250.00
Commercial	\$300.00	\$300.00
Industrial	\$350.00	\$350.00

In any instance in which the volume or strength of sewage from a single residential, commercial, institutional, or industrial user shall be greater than a population equivalent of ten and with regard to those instances in which the Village at its absolute discretion shall agree to provide sewage service to an area outside of its corporate limits, the sewer connection tap-on fee for such user or users shall be determined on an individual basis by the President and Board of Trustees. The corporate authorities in reaching such a decision shall seek the opinion of the Village Engineer with regard to the proportionate cost to the Village in transporting the volume of sewage through existing facilities required by the user. The charges described in this subsection except as otherwise provided, pertain to each single-family residential, commercial, or industrial connection. If any particular building or premises shall contain more than one dwelling unit, commercial unit, or industrial unit, there shall be an additional sewer connection tap-on fee of \$250.00 for each additional residential unit; \$300.00 for each additional commercial unit; and \$350.00 for each additional industrial unit to be served.

- (4) Water and sewer expansion and extension connection fee. The water and sewer expansion and extension connection fee is hereby established to reimburse the Village for its costs in extending sewer and water lines to serve new and additional users and to increase its capacity to produce and transport water and to transport sewage. The Village may provide, at its own initial expense, for the construction of expansions and

extensions of its water supply system and for the increase in size of its existing sewer mains and for the construction of expansions and extensions of its sewer mains to certain areas of the Village. In doing so, the Village seeks to provide a material benefit to the property owners abutting such improvements and to encourage the development of such property. To reimburse the Village for the funds so expended, the Village has created a water and sewer expansion and extension connection fee. Such fee shall be based upon the pro rata share of the cost of such exploration, construction and extension, which cost was required to provide the sewer and water services being made available to the new or additional user. The water and sewer expansion and extension connection fee shall be based upon all such costs including, but not limited to, engineering fees, supervision, legal fees, land costs and construction. When a new or additional user of the system wishes to connect into the sewer and/or water system of the Village, he shall request from the Village Engineer an estimate of the sum of the water and sewer expansion and extension connection fee attributable to the property which he wishes to serve with municipal utilities. Within 30 days after such application, the Village Engineer shall certify to such applicant the then current amount of the water and sewer expansion and extension connection fee attributable to the property sought to be served. In arriving at the water and sewer expansion and extension connection fee, the Village Engineer may request such information from the applicant as shall be reasonably necessary in order that he may compute the amount of the fee. He shall, for example, be allowed to inquire as to the use which the applicant desires to make of the land. Any water and sewer expansion and extension connection fee so certified by the Village shall remain in effect for a



period of 60 days and may, at the option of the Village, be further extended. After such 60-day period, if the connection fee has not been paid, the Village may recompute the amount of such connection fee. In arriving at a recomputed figure, the Village Engineer shall consider any additional cost incurred by the Village in providing the sewer and/or water services desired by the applicant. If an applicant should disagree with or dispute the amount of the water and sewer expansion and extension connection fee, in whole or in part, as determined by the Village Engineer, he shall be allowed to appeal such decision to the Board of Trustees. The Board of Trustees shall allow the applicant to appear before it, either at a regular or special Village Board meeting or otherwise, to present his objections to the estimate of costs. The Village Board may require the Village Engineer to appear before it to explain the manner in which such connection fee has been computed. The decision of the Village Board regarding this matter shall be final.

(5) Disposition of revenue.

- a. The revenue received by the Village from the tap-on inspection charges shall be deposited into the water department fund for the Village
- b. The revenue received by the Village from the water connection tap-on fee, the sewer connection tap-on fee, and the water and sewer expansion and extension connection fee shall be used by the Village for its general corporate purposes, with primary application thereof being made to the necessary expansion of the works of the system to meet the requirements of new or additional users thereof. Such funds shall be placed, until they are used, into a fund which shall be known as the waterworks and sewer expansion connection fund. The

monies to the credit of such fund may be invested from time to time by the Treasurer of the Village as provided by law. All accrued interest on any investments shall be credited to such fund.

- (6) Acceptance of donations in lieu of fees. The Village may accept a donation of construction, expansion or extension of the works of its system in lieu of all or part of the connection charges established by this article.

**Section 4. RIGHT OF ACCESS TO PREMISES**

THAT, Section 98-83 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-83. Right of access to premises.**

- (1) For the purpose of inspecting and reading of meters located inside every building, structure, or premises, the Village Engineer, the Village Waterworks Operator, and the Village authorized agents and employees shall have full access when and if necessary at all hours of any day to all parts of every building, structure or premises connected with the distributing pipes of the Village or in any manner receiving water from such pipes.
- (2) Any person in possession, charge or control of any building, structure or premises into which the Village Engineer, the Village Waterworks Operator, the Village authorized agents or employees shall desire to make entry or to have access for the purposes specified in this section, who shall refuse to permit such entry or access, or who shall do or cause to be done, any act of thing for the purpose of preventing such entry or access, shall be guilty of a violation. For such violation and in order to correct such violation, the Waterworks Operator or Village Engineer may cause the

water supply to be cut off until access sought is permitted.

**Section 5. LOCATION OF WATER METER; REMOTE READOUT DEVICE**

**REQUIRED**

THAT, Section 98-89 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-89. Location of water meter; remote readout device required.**

Sec. 98-89 – Repealed and replaced by Sec. 98-196 of this Code.

**Section 6. REGISTRATION**

THAT, Section 98-126 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-126. Registration.**

All owners, tenants, occupants, consumers, or users of the water works or sewer systems of the Village shall register with the Village Clerk's office at the time of application for water or sewer service or within thirty (30) days of being requested to do so by the Village Clerk. The Village Clerk's office shall prepare an application and customer registration form which will require proof of identity (copy of driver's license) and ownership (copy of deed and title or a copy of a written lease between owner and applicant), along with any other pertinent information the Village Clerk's office deems necessary and may be revised from time to time.

**Section 7. UNAUTHORIZED TURNING ON OF WATER AFTER SHUTOFF BY VILLAGE; RESPONSIBILITY OF OWNER**

THAT, Section 98-135 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-135. Unauthorized turning on of water after shutoff by Village;**

**responsibility of owner.**

- (1) Where the water supply to any building, structure, or premises shall have been cut off or stopped on account of the nonpayment of water rates or on account of the violation of any of the provisions of this Article, or for any other reason or cause whatsoever, where such cutting off or stopping of water shall have been done by the Village, the water shall not again be supplied to such building, structure, or premises or be turned on therein or thereto unless a permit is first issued for that purpose by the Village Clerk. If it shall be found by the Waterworks Operator, or Village Engineer, that the water supply has been turned on into any such building, structure or premises from which it has been cut off or stopped, by the Village for cause, in violation of the provisions of this section, the Waterworks Operator or Village Engineer shall have the authority to and it shall be his duty to see to it that the service or supply pipe by and through which water is supplied to such building, structure, or premises is cut off at the water mains or as near thereto as is practical and no water shall again be supplied to such building, structure, or premises or be permitted to be turned on therein or thereto until all back water charges, costs and damages incurred by the Village in stopping and restoring the supply, together with all labor and material costs and the sum of \$500.00 as liquidated damages on account of the unlawful and unauthorized turning on of such water supply to such premises shall have been paid to the Village.
- (2) The amounts specified to be paid in this section shall be paid by the person owning or occupying, or in possession, charge or control of such building, structure, or premises at the time it is desired to have the water turned on or supplied thereto, irrespective of

whether such persons shall have been the one guilty of violating the provisions of this article. Such person shall be held responsible for any tampering with the stops, meters or shutoff boxes on or serving his premises, or in his building or structure and also held responsible for any unlawful or unauthorized turning on of the water into or upon his building, structure, or premises.

**Section 8. RATES ESTABLISHED**

**THAT**, Section 98-161 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-161. Rates established.**

The rates for water sold, delivered or furnished through meters by the Village shall be paid as follows:

(1) Rate. Effective May 1<sup>st</sup>, 2018, the rate will be \$8.50 per 1000 gallons for all consumers within the Village limits, and automatically increased as provided in subsection (3) of this section. All such consumers shall pay for a minimum of 3000 gallons per monthly period.

(2) Estimated read. If no one is present on the premises at the time the water meter reader makes his regular call, the Village Clerk shall issue a monthly water bill that is two (2) times the minimum water bill of the three thousand (3000) gallons (six thousand (6000) gallons) until such time there is an accurate water meter reading or a remote water meter is installed and working properly on the premises.

If the estimated water bill remains unpaid for thirty (30) days after its issuance, it shall become final and not adjusted by an actual reading of the water meter by Village employees. Any estimated water bill may be adjusted by an actual reading of the

water meter within thirty (30) days of the estimated bill issuance.

- (3) Automatic water rate increase. An automatic water rate increase will go into effect after the initial water rate increase of May 1<sup>st</sup>, 2018. The automatic water rate increase shall be three percent (3%) of the prior existing rate and shall take effect on the first (1<sup>st</sup>) of May on every year as set forth in the following table:

**VILLAGE OF BURNHAM AUTOMATIC WATER RATE INCREASES**

<b>Year</b>	<b>Increase %</b>	<b>Water Rate</b>
2018	XX%	\$8.50
2019	3%	\$8.76
2020	3%	\$9.02
2021	3%	\$9.29
2022	3%	\$9.57
2023	3%	\$9.86
2024	3%	\$10.16
2025	3%	\$10.46
2026	3%	\$10.77
2027	3%	\$11.09
2028	3%	\$11.42
2029	3%	\$11.76
2030	3%	\$12.11
2031	3%	\$12.47
2032	3%	\$12.84
2033	3%	\$13.23
2034	3%	\$13.63
2035	3%	\$14.04
2036	3%	\$14.46
2037	3%	\$14.89
2038	3%	\$15.34
2039	3%	\$15.80
2040	3%	\$16.27

- (4) Such rates are to be for water consumed for each period of one month or fraction

- thereof for each consumer.
- (5) The water used for which rates and methods of measurement that are not specifically provided for in this article shall be estimated by the President of the Board of Trustees or by such officer as may be designated by the President and Board of Trustees. Consideration should be given to the nature and type of project proposed, the size of the project, and the use and amount of water necessary for the project. Whenever practical, a meter shall be used as the basis for such estimate.
- (6) Where a single water meter serves a number of individuals, dwelling units, apartment buildings, stores, or other separate occupancies, the minimum charge for each such unit or occupancy for any period of one month or fraction thereof shall be 3,000 gallons per month times the number of units. (Example: 5 units x 3000 gallons equals 15,000 gallons minimum)
- (7) The President and Board of Trustees are hereby authorized to fix the water rates for manufacturing plants and other large users of water within the Village limits, and such users shall be billed monthly of their water usage.
- (8) Where a single water meter serves a number of individuals, dwelling units, apartment buildings, stores, or other separate occupancies, each owner, occupant, and/or manager of such building, structure, or premises, upon the request of the Village, shall provide and advise the Village of the number of individuals, dwelling units, apartment units, stores, or other separate occupancies of each building, structure, or premises in the Village.

**Section 9. WATER USE, RATES AND CHARGES DURING CONSTRUCTION PROJECTS**

THAT, Section 98-162 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-162. Water use, rates, and charges during construction projects.**

- (1) Access to and use of the Village water supply shall only be permitted upon the prepayment of a five hundred dollar (\$500.00) deposit as provided in this code. All water shall be metered with a temporary meter device supplied by the Village in order to measure the amount of the water used. The cost of the water will be calculated at the current prevailing rate per 1000 gallons or fraction thereof.
- (2) The use of unmetered water is prohibited and shall be a violation of this code punishable by a penalty as set forth in this code. All water use supplied by the Village water system shall be metered except for emergency situations and circumstances such as extinguishing a fire or other emergency response by the volunteer Fire Department of the Village of Burnham.

**Section 10. PAYMENT OF CHARGES**

THAT, Section 98-163 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-163. Payment of charges.**

- (1) Due date. All water charges shall be due and payable on or before the tenth day after the date when the statements of such charges are mailed and shall become delinquent if remaining unpaid thereafter. Failure to timely issue a statement is not an excuse or does not relieve the responsibility of payment. The Village Clerk's office from time



to time shall determine the time of the month, category, area locations, and sequence of the monthly billing cycles and the issuance of the monthly water, sewer, and garbage bills to consumers.

- (2) Late penalty. All bills for metered or estimated water unpaid for the ten-day period provided for herein shall become delinquent and a penalty of ten percent (10%) of the total unpaid balance of such bill for water shall be added thereto and collected in addition thereto for each billing period such total unpaid balance remains unpaid.
- (3) Repealed sections. Subsections (c) – (1), (2), (3) designating areas or geographical billing areas is hereby revoked and deleted.
- (4) Adjustment of bill. Until such time as a remote read water meter is installed on the premises, any outstanding water and sewer bill may be adjusted (by a reduction or increase) by a current actual reading of the water meter. If the meter is read within 30 days from an estimated read then the current actual reading of the water meter shall control the calculation of the bill. If there is no actual meter reading within 30 days of the issuance of the bill, then the estimated read and bill will control.
- (5) Final meter reading. All prior or existing accounts and consumers whose bill is based on part or wholly on an estimated water meter reading shall be readjusted based upon current actual final water meter reading prior to the installation of a new remote water meter or in all cases where a transfer of any kind of ownership of the premises occurs; or a rental or lease of a single family residence.

**Section 11. METER READINGS**

THAT, Section 98-164 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-164. Meter readings.**

Charges at the rates set forth in Section 98-161 shall be made on the readings of water meters made by persons employed by the Village for such purpose. Meter readings or estimates of consumption shall be made every month. If there is no one present on the premises at the time the water meter reader makes his or her regular call, the clerk shall render a minimum estimated bill for water consumption, which bill shall be in an amount equal to two (2) times the minimum bill of 3000 gallons rendered to such consumer or to the premises serviced (2 x 3000 = 6000 gallons minimum).

It is intended that eventually, every water meter of every consumer of water in the Village will be actually read by persons employed by the Village for such purpose each month or a minimum estimated bill will be issued to the consumer.

**Section 12. TERMINATION OF SERVICE FOR NON-PAYMENT**

THAT, Section 98-166 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-166. Termination of service for non-payment.**

- (1) Whenever any water bill or part thereof for water service shall remain unpaid for a period of more than fourteen (14) days from the date of the statement or invoice provided for in this section, a five-day water “**shut off notice**” shall be posted on the property on a conspicuous location and a copy mailed to the owner of record and/or the management agent, stating that the water shall be turned off unless the outstanding bill is paid in full. After the aforesaid fourteen (14) day period and five (5) day shut off notice, **THE WATER SHALL BE TURNED OFF FROM SERVICING THE PREMISES OF SUCH DELINQUENT CONSUMER.** Such

bill for water service shall include any and all services rendered by the Village in performance of necessary repairs and maintenance of service pipes, meters, or other equipment related to the water supply servicing the subject premises, together with all filing fees, court costs, and other charges incurred by the Village in the collection of such bill. After payment of the bill in arrears on terms satisfactory to the Village, the water supply shall be turned on only upon payment of the turn-on fee of **one-hundred fifty dollars (\$150.00)** for the services of the Village in turning off and/or turning on the water, before 5:00 p.m. during weekdays; the sum of **two-hundred dollars (\$200.00)** for the services of the Village in turning off and/or turning on the water after 5:00 p.m. during weekdays or Saturdays, Sundays, and holidays.

- (2) No person, firm, association or corporation owing water charges and moving to other premises where there are water connections or where connections shall afterwards be made, shall be supplied with water until such charges in arrears are paid in full.

**Section 13. LIEN FOR WATER CHARGES**

**THAT**, Section 98-167 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 98-167. Lien for water charges.**

- (1) Generally. The Village shall have a continuing lien upon and against the premises and real estate upon or for which water is used or supplied for all water rates, charges or benefits for water supplied. Every such lien shall, upon compliance with the conditions set forth in this section, become and be prior and superior to the rights and interests of creditors, judgment creditors, mortgagers' encumbrances, purchasers, tax sale purchasers and any other parties in interest in such premises and real estate.

(2) Notice of lien. Whenever a bill for water, which service shall include any and all services rendered by the Village in the performance of necessary repair and maintenance of the service pipes, meters or other equipment related to the water supply servicing the subject premises, remains unpaid thirty (30) days after it has been rendered, the Village Clerk may file with the County Recorder of Deeds or with the county official for recording documents, a statement of lien claim. This statement shall contain the following:

- a. A legal description of the subject premises sufficient for identification thereof;
- b. The amount of money due for such services.
- c. The date when such amount became delinquent; and
- d. A notice that the Village claims a lien for such amount, as well as for all charges for water supplied subsequent to the period covered by the amount due.
- e. Any and all costs and fees associated with the drafting, preparation, recording, and collection of the lien amount and release of said lien including attorney's fees, filing fees, recording fees, and an additional processing fee of no less than fifty dollars (\$50.00).

(3) Priority of lien. Such lien shall not be defeated in the proper amount thereof because of any error or overcharge, nor shall any such lien be defeated by proof that such water was used or contracted for by a tenant or occupant of the premises other than the owner. If the consumer of water whose bill is unpaid is not the owner of the premises, and the Village Clerk has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the Clerk, whenever such bill remains

unpaid for a period of thirty (30) days after it has been rendered. The failure to mail such notice or the failure of the owner of the premises to receive such notice shall not affect or impair the right to foreclose the lien for unpaid water bills as provided in this section.

- (4) The Village must buy its water supply from other communities namely the City of Chicago, Illinois, the City of Calumet City, Illinois, and the City of Hammond, Indiana, and therefore is dependent on other governmental entity's rates that charge for the water supply which fluctuate with the cost of supply. Accordingly, the rate for water shall be adjusted as set forth in Section 98-161 of this Division.

**Section 14. DIVISION 4, REMOTE READ WATER METERS REQUIRED**

**THAT**, CHAPTER 98 Utilities, Article III Water Service, Division 4, Water Meters, of the Code of Ordinances of the Village of Burnham, Illinois, is hereby amended to read as follows:

**Division 4. Remote read water meters required.**

**Sec. 98-191. Remote read water meters required.**

All consumers, premises, buildings, or structures using the Village water supply must be equipped with the current Village of Burnham, Illinois, remote read water meter approved by the Village.

**Sec. 98-192. Ownership.**

All meters, used in connection with the Village water system shall remain for all time the property of the Village of Burnham, Illinois.

**Sec. 98-193. Types.**

The President and Board of Trustees shall in all cases determine the size, pattern, make, and design of water meters to be adopted for use by consumers of water supplied by the Village, and

no other kind shall be installed at any time. The water meters shall contain a remote read out device. The remote device shall allow the Village to read the meters remotely. The Village may change the water meter types used to read the water flow any time in the future.

**Sec. 98-194. Charges for replacement or repair.**

Whenever it is time to repair or replace a damaged water meter, a service charge equal to or greater than the cost to the Village of any meter installed shall be paid to the Village of Burnham before any premises are reconnected to the Village water mains and supply.

**Sec. 98-195. Right of access to premises for meter reading, inspections, operation, and maintenance of system.**

Water meters shall be installed in a location that will be easily accessible to any person employed by the Village, or authorized agent, to read and examine such meters.

(1) When and if necessary, the Village Engineer, the Waterworks Operator, the Village's employees and authorized agents of the waterworks and sewer system shall have the right of access to any premises served by the combined waterworks and sewer system for the purpose of reading water meters and for the purpose of making inspections in order to maintain in good condition and provide for the protection of such combined system and the efficient management thereof. Any person refusing the right to permit the Village employees or agents of the waterworks and sewer system the right of access to the premises shall be subject to cessation of utility services without notice until the required opportunity to inspect is accorded the agents or employees of the Village.

(2) For the purpose of inspecting and reading of meters located inside every building, structure or premises, the Village Engineer, the Waterworks Operator, or their

authorized agents, when and if necessary shall have full access at all hours of any day to all parts of every building, structure or premises connected with the distributing pipes of the Village or in any manner receiving water from such pipes for the purpose of compliance with this Code.

- (3) Any person in possession, charge or control of any building, structure or premises into which the Village Engineer, the Waterworks Operator or their agents or employees of the Village shall desire to make entry or to have access for the purposes specified in this section, who shall refuse to permit such entry or access, or who shall do or cause to be done, any act or thing for the purpose of preventing such entry or access, shall be guilty of an offense. For such violation and in order to correct such violation, the Village Engineer, the Waterworks Operator may cause the water supply to be cut off without notice until the access sought is permitted.
- (4) The Village Engineer and Waterworks Operator of the Village and employees working under their direction and supervision shall have reasonable ready access to the premises, place or buildings where such meters are located for the purpose of reading, examining, testing and repairing the meters, and examining and testing the consumption, use and flow of water. It shall be unlawful for any person to interfere with, prevent or obstruct such engineer or such other employee in his work. Every consumer of water shall take the same upon the conditions prescribed in this article.
- (5) The Village Engineer, the Waterworks Operator or their employees or agents are further hereby authorized and directed to perform any and all additional inspections, repairs, and tests, including, but not limited to videotaping, relining and dye testing to determine points of unlawful connections or infiltration or inadequate, malfunctioning

or unauthorized connections or infiltration to the water and sewer system.

- (6) The employees of the Village, the Illinois Environmental Protection Agency, the U.S. Environmental Protection Agency, or the Illinois Department of Natural Resources, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provision of this code.

**Sec. 98-196. Installation and location.**

All remote read water meters shall be installed within a vault designed for water meters approved by the Village or inside an area of every building, structure or premises with a remote readout device in accordance with the provisions of this article, and shall be subject to inspection and approval by the Village before water is turned on. Containers in which such meters are to be placed shall be in accordance with specifications to be prescribed and approved by the Village. Such boxes, vaults, containers must be so constructed as to prevent freezing of water flowing through such meters. Structures must be kept in such condition and location so that meter may be manually read at any time. Water meters cannot be enclosed or covered by walls, ceilings or floors or other structures so as to prevent a visual inspection, maintenance or reading.

**Sec. 98-197. Repair.**

- (1) Water meters and water pipes shall be kept in good repair at the expense of the consumer.
- (2) If repairs are required for any meter, the repairs shall be made through the water department under the supervision of the Waterworks Operator or Village Engineer, and the expense of making such repairs shall be charged to the water consumer using such meter.



- (3) The Village shall assume no responsibility for the breakage of meters or their failure to work properly.

**Sec. 98-198. Testing.**

- (1) Water meters shall be tested by and under the supervision of the Waterworks Operator or Village Engineer or their agents or employees at such times as they may deem necessary. They shall have the privilege of removing any water meter for the purpose of testing the water meter and placing another water meter in its place during the interval between the times such water meter is removed for testing and returned.
- (2) Any water meter may be tested upon the request of the consumer but before such test shall be made, the consumer shall make a deposit with the Village for the test and inspection as determined by the Village.

**Sec. 98-199. Strict liability for damages to meters and sewers.**

The owner, occupant or party in possession of any house, structure, building, factory, industrial or commercial establishment or any other building in or on which a water meter is installed shall be liable for any breakage or any loss or damage to such meter in any way, except by ordinary use and wear, and the cost of making good such loss or damage shall be paid by the consumer or owner of the premises where such water meter was installed or repaired as soon as the bill for the same is presented. The amount therefore shall be a lien against the premises for which such water meter was installed, to the extent and with the same effect as water rates. If a water meter becomes worn out and unfit for use, the consumer shall have a new water meter installed at no expense.

**Sec. 98-200. Seals.**

- (1) Supervision. All water meters shall be sealed under the supervision and direction of

the Village Engineer, Waterworks Operator or their agents or employees whether in person or through employees working under their direction and supervision.

- (2) Breaking of seal. No seal placed by the water department for the protection of any water meter, valve, fitting or other water connection shall be defaced or broken except on written authority from the Village Engineer or Waterworks Operator and employees working under their direction and supervision.

**Sec. 98-201. Bypassing meters, breaking, injuring, or interfering with system.**

- (1) It shall be unlawful to bypass any water meters by any device which permits the diversion of water around the water meter. All water service pipes shall be connected directly to the Village owned water meter in order to ensure that all water coming from the water mains to the service pipes shall be connected directly to the Village owned water meter in order to ensure that all water coming from the water mains to the service pipes shall first pass through the water meter before the water is consumed.
- (2) It shall be unlawful for any person to willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fence, fixture, hydrant, water meter, or any attachment or appurtenances of the Village water system or sewer system, water meter hydrant or stopcock, stopcock box, water supply or service pipe, sewer pipe, or any part thereof, nor shall any person deposit anything in any stopcock box or commit any act tending to obstruct or impair the intended use of any Village equipment or water meter concerning water supply or the sewer system.
- (3) It shall be unlawful for any person, not authorized by the Village, to tamper with, alter or damage any part of the Village waterworks or supply system, or any water

meter.

**Sec. 98-202. Interfering with; stopcock or valve required.**

- (1) After the water meter is placed, only agents or employees of the water department shall be allowed to repair, remove or in any manner interfere with the water meter.
- (2) A stopcock or valve shall be placed on each side of the water meter.

**Sec. 98-203. Owner, landlord or agents altering water lines so as to prevent metering or supply of water; tampering, etc., with meters, pipes, etc. prohibited.**

- (1) It shall be unlawful for any person or anyone acting at the instance of or in collusion with any person to dismantle, tamper with, alter or change in any way whatsoever, the water line, or any portion thereof, used in connecting any consumer served by Village water services when it is reasonably foreseeable that such act may prevent the metering of water services relating to the facility.
- (2) It shall be unlawful for any person or anyone acting at the instance of or in collusion with any person to alter, change, tamper with, turn on or turn off, or operate a water control valve (buffalo box) without written authorization by either the Village Engineer or Waterworks Operator or the Building Inspector. The owner and/or resident of a property benefited by an unlawful act committed in violation of this code shall be subject to penalties for violations of this subsection as if the violation had been committed by the owner and/or resident personally.
- (3) It shall be unlawful for any person or anyone acting at the instance of or in collusion with any person to disconnect a water line or lines from any water metering device or to damage, destroy, tamper with, or remove any water metering device or to damage, destroy or remove any water metering device or remote read water meter providing

metering of water services to any consumer served by the Village water services.

- (4) An Owner, Landlord, Manager or Agent of the Owner may request that water be turned off to a non-owner occupied or rental property so long as the rental property or premises is vacant or abandoned for at least thirty (30) days as confirmed by the Waterworks Operator or the Village Police Department in writing. A written police report filed with the Department of Police by the premises owner or his agents and an inspection of the premises by the Police Department and Waterworks employees shall establish the beginning date of any abandonment or vacancy. Under this provision and subsection, the Owner, Manager, Landlord or Agent strictly holds the Village and its employees harmless and shall indemnify the Village and its employees for any and all claims, damages, losses and causes of action of whatsoever nature and kind as a result of the Village shutting off the water.

**Sec. 98-204. Notice of damaged meter.**

- (1) The consumer shall promptly notify the Village when it shall come to their knowledge that a water meter ceases to register, stops, fails to correctly indicate the water consumed, or is otherwise out of repair.
- (2) The consumer shall promptly give notice of injury or damage to water meters or supply lines.

**Sec. 98-205. Failure to have remote meter installed and/or read.**

- (1) New remote read water meters shall be installed by the Village to every consumer for which water is supplied by the Village.
- (2) It shall be unlawful for any existing or future consumer, residential consumer, individual, any owner, or person, firm, corporation, partnership, association, limited

liability company, agent, or legal representative using the water supply system of the Village of Burnham to refuse or fail to have said remote water meters installed within thirty (30) days of notice of installation. Failure to have a new remote meter installed shall be a violation of this code and subject to a penalty provided herein. In addition, the Village may shut off the supply of water for existing consumers of the Village of Burnham water system.

- (3) It shall be unlawful for existing consumer of the Village of Burnham water system to refuse or fail to have the existing meters (old meters) read by Village employees or their agents. Failure to have the water meter read shall be a violation of this code and subject to a penalty provided herein. In addition, the Village may shut off the supply of water for the refuse or failure to have the water meter read.

**Sec. 98-206. Penalty for violation – Administrative Hearing.**

- (1) Any owner, or person, firm, corporation, association, agent or legal representative violating the provisions of this Chapter 98 – Utilities, its Articles, Sections, Divisions or Subsections, shall be subject to a penalty of not less than \$100.00 and not more than \$1000.00. Each day that the violation continues shall subject such person to an additional penalty of not less than \$100.00 and not more than \$1000.00. A determination by an Administrative Hearing Officer that a violation of this article has taken place and the assessment of a penalty thereof shall not preclude the Village from seeking a recovery of any unpaid charges, fees, or other sums due the Village under this or other ordinances because of the furnishings by the Village of its utility services.
- (2) In addition to the penalty set forth above, the Village shall have the authority to

discontinue or shut off the supply of water to any owner, person, firm, corporation, association, agent, or legal representative who violates or disobeys, or who omits, neglects, or refuses to comply with, or who resists the enforcement of or implementation of, any of the provisions of this Chapter 98-Utilities, et seq.

(3) However, any refusal or failure to install new “remote read” water meters shall carry a minimum mandatory fine of five hundred dollars (\$500.00) against any owner, person, firm, corporation, association, agent, or legal representative.

(4) All proceedings for violations of this Chapter 98-Utilities, et seq., shall be processed and proceed with the administrative adjudication procedures, Chapter 2 – Administration – Article VII – Administrative adjudication of non-vehicular code violations.

**Sec. 98-207 to 98-220 Reserved.**

**Section 15. RECORDING WITH RECORDER OF DEEDS**

**THAT**, a copy of this Ordinance, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Cook County, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the sewer system of said Village on their properties, and it shall be the duty of the Village Clerk and such other officers of the Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

**Section 16. LEGISLATIVE ACT OF HOME RULE MUNICIPALITY**

**THAT**, this Ordinance and each of its terms shall be the effective legislative act of a home rule

municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois, that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

**Section 17. SEVERABILITY**

**THAT**, if any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 18. REPEALER OF CONFLICTING ORDINANCES**

**THAT**, all Ordinances, Resolutions, Motions or Orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 19. EFFECTIVE UPON PUBLICATION**

**THAT**, this Ordinance shall be in full force and effect after its passage, approval and publication according to law.

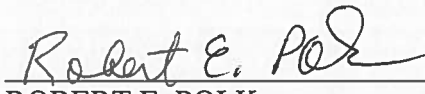
**Section 20. PUBLISHED IN PAMPHLET FORM**

**THAT**, this Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 13<sup>th</sup> day of February, 2018.

**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Denise Bonner	<u>          </u>	<u>X</u>	<u>          </u>	<u>          </u>
Trustee Graciela Garcia	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Brenda Greer	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Carmella Richardson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Travis Claybrooks	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

  
ROBERT E. POLK  
Village President (Mayor)

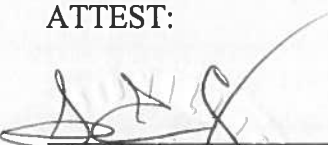
ATTEST:

  
LUS E. CHAVEZ  
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, on 13<sup>th</sup> day of February, 2018.

ATTEST:

  
LUS E. CHAVEZ, VILLAGE CLERK  
(SEAL)