

**VILLAGE OF BURNHAM**

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**ORDINANCE NO. 2013-O-004**

**AN ORDINANCE AMENDING SECTION 98-161. AND  
SECTION 98-162. OF THE CODE OF ORDINANCES,  
VILLAGE OF BURNHAM, ILLINOIS**

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**PASSED BY THE  
VILLAGE PRESIDENT (MAYOR) AND BOARD OF TRUSTEES OF  
THE  
VILLAGE OF BURNHAM**

**THIS 9th DAY OF July, 2013**

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**PUBLISHED IN PAMPHLET FORM  
BY AUTHORITY OF THE VILLAGE PRESIDENT (MAYOR) AND  
BOARD OF TRUSTEES OF THE VILLAGE OF BURNHAM, COOK  
COUNTY, ILLINOIS THIS 10th DAY OF July, 2013**

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**VILLAGE OF BURNHAM**

**ORDINANCE NO. 2013-O-004**

**AN ORDINANCE AMENDING SECTION 98-161. AND SECTION 98-162. OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, ILLINOIS**

**WHEREAS**, the Village of Burnham, Cook County, Illinois, (the “Village”) 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, Section 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 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 Corporate Authorities of the Village deem it advisable to continue to adjust the water rate for water furnished by the Village to consumers

who are residents of the Village sixty-five (65) years of age and over living in their own personal single family dwelling and paying their own water bill.

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

**Section 1.** The Corporate Authorities of the Village hereby find that all of the recitals contained in the preambles of this Ordinance are true, correct and complete and do hereby incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section.

**Section 2.** 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) Four dollars and twenty-five cents (\$4.25) per 1000 gallons for all consumers within the village limits, except as provided in subsection (3) of this section. All such customers shall pay for a minimum of 10,000 gallons per billing period.

- (2) Five dollars and seventy-five cents (\$5.75) per 1000 gallons for all consumers outside the village limits. All such customers shall pay for a minimum of 10,000 gallons per billing period.
- (3) Two dollars and twelve and one-half cents (\$2.125) per 1000 gallons, thereafter \$4.25 per 1000 gallons for all over 10,000 gallons, for all consumers with the village limits who are residents of the village 65 years of age or over living in their own personal single-family dwelling and paying their own water bill. All such consumers shall pay for a minimum of 10,000 gallons per billing period. Any resident of the village who is 65 years of age or over shall submit proof of age and ownership of their own personal single-family dwelling and proof that they are paying their own water bill to the village clerk. The president and board of trustees shall make the final determination whether such consumer of water is qualified for the adjusted rate for senior citizens.
- (4) Such rates are to be for water consumed for each period of three months or fraction thereof for each individual consumer.
- (5) The water used for which rates and methods of measurement are not specifically provided for in this article shall be estimated by the public utilities committee or by such officer as may be designated

by the president and board of trustees to perform the duties of such committee and assessed at the rate of \$5.75 for each 1000 gallons, or fraction thereof. Whenever practicable, 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 building, stores, or other separate occupancies, the minimum charge for each such unit or occupancy for any period of three months or fraction thereof shall be \$42.50.

(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 building, 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 3.** Section 98-162. of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:

**Sec. 98-162. Water rates during construction; contractors.**

During construction of any building and before any water meter is installed as herein provide, the contractor so constructing such building may be permitted to use the village water supply by making application therefore and paying the following fees:

Single Family Resident.....	\$ 42.50
Duplex Resident.....	\$ 85.00
Apartment Buildings Containing 4 Units or Less....	\$127.60
Apartment Buildings Containing 5 Units and Than 8 Units.....	\$170.12
All Other Apartment Buildings Over 8 Units And All Commercial and Industrial Buildings.....	\$255.21

**Section 4.** 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 5.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 6.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or the application thereto any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance or the application of such portion to other persons or circumstances but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion.

**Section 7.** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**Section 8.** 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 9.** 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 9th day of July, 2013.

**ROLL CALL VOTE:**

AYES: John J. Cap. Ray Espino, Brenda Greer, Carmella Richardson and

Travis Claybrooks

NAYS: None

ABSENT: None

  
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VILLAGE CLERK



APPROVED by me this 9th day of July, 2013.

  
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VILLAGE PRESIDENT (MAYOR)

ATTEST:


  
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VILLAGE CLERK

(SEAL)

Recorded in Village Records: July 9, 2013.

Published in pamphlet form by authority of the Village President (Mayor) and  
Board of Trustees of the Village of Burnham, Cook County, Illinois on  
July 10, 2013.

ATTEST:

  
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VILLAGE CLERK

(SEAL)