

VILLAGE OF OGDEN  
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2018-0308

AN ORDINANCE AMENDING THE WATER ORDINANCE  
TO REFLECT WATER RATE CHANGES

Passed by the Board of Trustees and  
Approved by the President  
of  
Village of Ogden, Illinois  
on March 8, 2018

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Ogden, Champaign County, Illinois, this 8<sup>th</sup> day of March, 2018.

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CHAMPAIGN COUNTY, ILLINOIS

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AN ORDINANCE AMENDING THE WATER ORDINANCE  
TO REFLECT WATER RATE CHANGES

WHEREAS, the Village of Ogden, Champaign County, State of Illinois (the "Village") is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is not operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village and the village previously enacted its Water Ordinance being Ordinance #2008-12 as subsequently amended.

WHEREAS, the Village Board of Trustees desires to amend the water rates and charges provided therein to adequately fund the costs of providing water service.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OGDEN, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Incorporation Clause. The President and Board of Trustees of the Village of Ogden, Illinois hereby find that all of the recitals hereinbefore stated as contained in the preambles of this Ordinance are full, true and correct and do hereby, by reference incorporate and make them part of this ordinance.

Section 2. Purpose. This Ordinance is to amend the Water Ordinance to adjust water rates as provided herein.

Section 3. Ordinance Amendment. The Water Ordinance being Ordinance 2008-12 as subsequently amended is hereby amended and restated to now read as provided on the attached document by reference incorporated herein.

Section 4. State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 5. Approval and Execution of Documents. The President and Village Clerk are hereby authorized and directed to execute and/or publish documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

Section 6. Other Actions Authorized. That the President, Village Clerk and Village Employees are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

Section 7. Acts of Village Officials. That all acts and doings of the officials of the Village, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

Section 8. Headings. The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and of construction of any substantive provisions of this Ordinance.

Section 9. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 10. Supersedes and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 11. Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

AYE VOTES:

Trustee Corpe, Trustee Vidlos, Trustee Han, Trustee Newson and Trustee Esposito

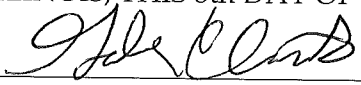
NAY VOTES:

Trustee Fitch

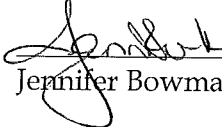
ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF  
OGDEN, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 8th DAY OF MARCH, 2018.

  
\_\_\_\_\_  
Gabe Clement, Village President

ATTEST:

  
\_\_\_\_\_  
Jennifer Bowman, Village Clerk

(SEAL)

Recorded in the Municipal Records: March 8, 2018  
Published in pamphlet form: March 8, 2018

## VILLAGE OF OGDEN WATER ORDINANCE

SECTION I: That in order to provide for the distribution of water by the Village of Ogden, there shall continue to be an executive department of the Village to be known as the "Water Department" and the President is hereby authorized to appoint, subject to the confirmation of the Board of Trustees, a Superintendent of the Water Department, and all other necessary employees. Such Superintendent shall have the general Supervision of the Board of Trustees of the Village.

SECTION II: Application for and connection to water system:

Article 1: No water shall be turned on for use on or in any premises until an application therefor in writing has been made for that purpose, and application approved by the Village. As evidence of the applicant's intention to abide by the provisions of the application and to purchase water at the established rate there shall be deposited with the application, in cash, or negotiable check to the Village of Ogden, the amount of One Hundred (\$100.00) Dollars, which amount shall be deposited by the Village and retained as a guarantee or payment for water as long as water usage by the customer shall continue, or applied in payment of any delinquent account at any time, as hereinafter provided. That the deposit hereinabove provided for, can be applied on any delinquent bills, including penalties, administrative charges and meter service charges.

Article 2: No water shall be turned on for service in premises to which plumbing does not comply with the Ordinances of the Village; provided that water may be turned on for construction work to unfinished buildings, subject to provisions of this Ordinance.

Article 3: No person, not duly authorized, shall turn the water on at any fire hydrant or service cock, or use water therefrom, when so turned on.

Article 4: All connections and water applied for hereunder, and all the water used hereunder, shall be made upon the express condition the Village of Ogden shall not be liable, nor shall any claim be made against it, for damages or injury caused by reason of failure or breaking of any well main, branches, service pipe, apparatus or appurtenances connected with said system or plant, or any part or portion of said plant, or for any interruption of the supply by reason of the breakage of machinery or by reason of stoppage, alteration, extension or renewals.

Article 5: All applicants for water service shall provide all service pipes and appurtenances from the main to the premises to be served, at his own cost. Such installations shall be made under the direction of the Water Department and all service connections shall conform with the specifications of the Board of trustees, a copy of which shall be kept on file with the Village Clerk and open to inspection for any interested person.

Article 6: All repairs for service pipes and plumbing system of buildings to be served, on customer's premises, shall be made by or at the expense of the owner of the premises served. The Village may, in case of emergency, repair any service pipe and, if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served.

Article 7: A curb stop and access box for non-metered service, a meter pit with stop and yoke for meter service, shall be placed in every service pipe and shall be located between the curb lines and the property line where practicable. Such boxes shall be located so that they are easily accessible and shall be protected from frost.

Article 8: Persons or corporations desiring to use water for building or construction purposes shall make application therefor in writing and file the same with the Village Clerk on a form provided for that purpose. Upon a permit being granted and signed by the Superintendent of Water Works; the service pipe shall be carried where a service pipe and meter, if requested by the Water Superintendent, shall be place with pipe leading to the surface, and a faucet placed on the end thereof above said surface. When the building or construction work is completed, the faucet and meter shall be removed and the water shall be cut off, unless a permanent connection hereunder is made. Charge for the water used and the use and connecting of meters shall be made as prescribed hereafter by the Board of Trustees.

Article 9: Owners, tenants, or non-owners who are occupants of real estate to which water is supplied may be required to deposit the sum of One Hundred (\$100.00) Dollars with the Village, said amount to be applied by the Village toward payment of any amount owed the Village by such persons upon their vacating said premises or upon disconnection of water service from said premises and any excess shall be reimbursed to said persons.

Article 10: The fee due the Village of Ogden for new water connections and installation of standard size 5/8" meters shall be \$500.00. Prices will be made for larger size connections. Water customer accounts in good standing may request meter removal at no charge, however, reinstallation of meter will be at current meter cost plus labor charges to install.

### SECTION III: Usage of water and payment of bills:

Article I. All water customers shall be supplied directly by the Village of Ogden and shall pay for the water at the rates, and in the manner, as follows:

Paragraph A: If the water is metered to any service the minimum charge per month shall be \$5.76 plus an \$8.00 surcharge totaling \$13.76 per meter. For this charge the customer may use a maximum of 267.4 cubic feet of water, the schedule of rates until May 1, 2018 to be:

First	267.4 cubic feet @ \$2.88 per 133.7 cubic feet
Next	401.1 cubic feet @ \$1.44 per 133.7 cubic feet
Next	668.5 cubic feet @ \$1.13 per 133.7 cubic feet
Thereafter	@ \$.86 per 133.7 cubic feet

Commencing May 1, 2018 continuing through April, 2019 the schedule of rates shall be:

First	267.4 cubic feet @ \$3.00 per 133.7 cubic feet
Next	401.1 cubic feet @ \$3.00 per 133.7 cubic feet
Next	668.5 cubic feet @ \$1.50 per 133.7 cubic feet
Thereafter	@ \$1.25 per 133.7 cubic feet

Commencing May 1, 2019 continuing through April, 2020 the schedule of rates shall be:

First	267.4 cubic feet @ \$3.25 per 133.7 cubic feet
Next	401.1 cubic feet @ \$3.25 per 133.7 cubic feet
Next	668.5 cubic feet @ \$1.75 per 133.7 cubic feet
Thereafter	@ \$1.50 per 133.7 cubic feet

Commencing May 1, 2020 continuing through April, 2021 the schedule of rates shall be:

First	267.4 cubic feet @ \$3.50 per 133.7 cubic feet
Next	401.1 cubic feet @ \$3.50 per 133.7 cubic feet
Next	668.5 cubic feet @ \$2.00 per 133.7 cubic feet
Thereafter	@ \$1.75 per 133.7 cubic feet

Commencing May 1, 2021 continuing thereafter the schedule of rates shall be:

First	267.4 cubic feet @ \$3.75 per 133.7 cubic feet
Next	401.1 cubic feet @ \$3.75 per 133.7 cubic feet
Next	668.5 cubic feet @ \$2.25 per 133.7 cubic feet
Thereafter	@ \$2.00 per 133.7 cubic feet

Paragraph B: For public fire hydrants of four inches or more a charge of \$18.75 a year for each hydrant. Charges for public fire hydrants shall be billed and payable annually by the Ogden-Royal Fire Protection District.

Paragraph C: That in lieu of the taxes paid for development, administration and maintenance of the Water Works System of the Village of Ogden, by the taxpayers of said Village, the rate charged users for water service supplied outside the corporate limits of the Village of Ogden shall be four times the rate

charged for water service within the corporate limits under the provisions of this Ordinance as amended from time to time.

Bulk Rates:

First 1,000 gallons @ \$100.00 per thousand

Next remaining gallons @ \$20.00 per thousand

Article 2: The Village and its employees shall have ready access to the premises, places or buildings where water is supplied, for the purpose of examining and testing consumption, use and flow of water, and it shall be unlawful for any person or corporation to interfere with, prevent, or obstruct said Village or its employees in its or their duties hereunder.

Article 3: No water shall be resold or distributed by the recipient thereof from the Village supply to any premises, or other person, other than that for which application has been made and facilities installed, except in case of emergency.

Article 4: Rates or charges for water service shall be payable monthly. The owner of the premises, occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village. Bills for water service shall be sent out by the Village Treasurer each month and shall be due 15 days after mailing. A service charge of 10 per cent shall be added to all bills not paid by the due date.

Article 5. Any user requesting a termination of service shall give written notice to the Village ten (10) days prior to the time such termination of service is desired. Responsibility for payment for water service prior to the date of termination, shall be with the property owners as well as the user. There shall be no charge for transferring water to the subsequent user.

Article 6. If the charges for such services are not paid by the last day of the month succeeding the period for which the service is billed, such charges shall be deemed delinquent. Delinquent charges shall constitute liens upon the real estate to which the water services were furnished. Whenever a bill for water service remains unpaid for 60 days after billing, the Village Treasurer shall file with the County Recorder of Deeds a notice of such lien. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address is known to the Treasurer, whenever such bill remains unpaid for the period of Forty-five days after billing. The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills.



Article 7. In addition to the remedies set forth in Article 6, the Village, after giving notice to the owner, occupant or user by certified mail or personal service or posting notice on the premises and providing other procedural protections consistent with the requirements of due process, may discontinue water service to any premises for which the owner, occupant or user is delinquent in the payment of water service charges. An administrative charge of \$10.00 will be assessed for delinquent notice served by certified mail or personal service or posting notice on the premises. Water service shall be resumed upon payment of the delinquent charges in full, administrative charges, plus payment of \$25.00 to defray the expense of reinstating water service if necessary, and the actual cost to the Village to disconnect and to reinstate water service if necessary. There will be a 2 hour call out fee charge for any after hours reconnection in addition to the other charges provided herein. The hourly rate will be set by the President in consultation with the Water Supervisor to reflect Village costs.

Article 8. The Village reserves the right to meter any customer at any time it deems it necessary for the proper operation of the system.

SECTION IV. General Rules and regulations for customers and plumbers.

Article 1: That no person shall in any manner obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street alley, public ground or place connected with, or part of said water system, nor pile or place lumber, brick, building materials, trash or other articles or things whatsoever within Twelve (12) feet of the same, as to in any way or manner hinder, delay or obstruct the members of the Water Department or Fire Department in reaching the same. It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water, or contaminate the water, in said water system, reservoir or plant, or any part thereof, or to injure, deface, or displace any water main, hydrant, service pipe, water system or plant, or to cause, suffer or permit any of said things to be done.

Article 2: It shall be unlawful for any person not authorized by the Village to tamper with, alter, or injure any part of the Village water works or supply system, or any meter.

Article 3: The Village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for concentrating of water in any part of the Village in case of fire, and for restricting the use of water in case of deficiency in supply. No claim shall be made against the Village by reason of the breaking of any service pipe or any service pipecock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of the water system, or from the failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as above.

Article 4: The right is reserved to suspend the use of lawn fountains and hose for sprinkling lawns and gardens, whenever, in the opinion of the Board of Trustees, public emergencies require it.

Article 5: For the violation of any of the foregoing rules or for the nonpayment of water bills, the Village reserves the right to turn off the water without notice and to forfeit any payments made, and after the meter has been turned off from any service pipe on account of non-payment of water bills, or violation of the rules, the same will not be turned on again until all delinquent bills and penalties are paid, together with the expense of turning off and on such water, which will be Twenty-five Dollars (\$25.00) and no water will be furnished to any person who is indebted to the Village on account of water consumed, material or repairs.

SECTION V: Any person or corporation who shall violate any of the rules and regulations provided for in this Ordinance shall upon conviction, in addition to the enforcement of the forfeitures and liabilities therein contained, pay a fine of not less than Ten Dollars (\$ 10.00) nor more than Fifty Dollars (\$50.00) for each offense: and a separate shall be deemed committed on each day during, or on which, a violation occurs or continues.