

No. 2023 - 3

**AN ORDINANCE
AMENDING THE CHARGES TO BE ASSESSED FOR WATER AND
SEWER SERVICE IN THE VILLAGE, REQUIRING THE INSTALLATION
OF WATER METERS FOR CERTAIN USERS, AUTHORIZING FUTURE
ADJUSTMENTS TO CHARGES FOR WATER AND SEWER SERVICES TO
BE MADE BY THE CORPORATE AUTHORITIES IN THE VILLAGE, AND
FURTHER AMENDING THE WATER AND SEWER REGULATIONS
OF THE VILLAGE CODE**

WHEREAS, the Village has adopted certain regulations governing charges for water supply and distribution services ("water services"), and for wastewater conveyance and treatment services ("sewer services") in the Village, Sleepy Hollow Municipal Code, Section 6-3-1, et seq.; and

WHEREAS, the Village charges for water services include a commodity charge; a demand charge, and a meter fee; and

WHEREAS, the Village charges for sewer services include a basic user fee due from users of the wastewater conveyance system, and also a demand charge, and in some instances, a surcharge; and

WHEREAS, the Village charges for sewer services also include a base fee charged to owner(s) of any property which is not connected to the Village's water supply and distribution system; and

WHEREAS, the Village conveys wastewater from the Village to an outside service provider for treatment; at this time, such wastewater is conveyed via the Village of West Dundee to the Fox River Water Reclamation District for treatment, pursuant to agreement with the Village of West Dundee; and

WHEREAS, the Village has recently entered into a new agreement with the Village of West Dundee for continued conveyance and treatment of wastewater from the Village, including provisions that billing for such sewer purposes shall be based on water usage; and that all users of sanitary sewer services in the Village will have installed a meter for purposes of measuring water supply by a date certain; and

WHEREAS, the Village in 2019 adopted a program for replacement of water meters for users of the Village water supply and distribution system, to better measure water usage, and to enable remote meter reading for greater efficiency; and the Village has agreed with West Dundee and now desires to extend the usage of such meters to properties in the Village which utilize a private source for water supply; and

WHEREAS, the Corporate Authorities have determined that an increase in charges for sanitary sewer service in the Village is necessary and advisable at this time, to address

the increase in charges to the Village and to better provide and maintain the wastewater conveyance system of the Village; and

WHEREAS, the Corporate Authorities have determined that certain other amendments to the text of Chapter 3: Village Water and Sewer, regarding service rates, connection fees, and other matters, are necessary and advisable at this time; and

WHEREAS, the Corporate Authorities desire to authorize that future adjustments to charges for water services and for sewer services charges in the Village may be made and enacted by motion and vote of the Corporate Authorities, without formal enactment of an ordinance or resolution amending the Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The Sleepy Hollow Municipal Code, as previously amended, shall be and hereby is further amended to amend the water billing rates for users of the Village's water supply and distribution system, in words and figures as follows:

TITLE 6

PUBLIC WAYS AND PROPERTY

CHAPTER 3

VILLAGE WATER AND SEWER

See Attached Text of Amendment

Section 2. Any and all ordinances, resolutions, motions, or parts thereof, in conflict with the terms and provisions of this Ordinance, and in particular, the provisions of Title 6: Public Ways and Properties, Chapter 4: Public and Private Sewers, Article A: Wastewater Service Charges, shall be and hereby are, to the extent of any such conflict, superseded and waived.

Section 3. The provisions of Title 6: Public Ways and Properties, Chapter 4: Public and Private Sewers, Article A: Wastewater Service Charges, having been fully re-stated and included in Chapter 3: Village Water and Sewer; in the amendment thereto set forth herein, shall be deleted from the Village Code.

Section 4. The provisions of Title 6: Public Ways and Properties, Chapter 4: Public and Private Sewers, Article B: Application for Sewer Permits, shall be deleted from the Village Code; provided, such form or similar form shall be made available by the office of the Village Clerk, from time to time, as need be.

Section 5. The provisions of Title 6: Public Ways and Properties, Chapter 3: Village Water and Sewer, Section 6-3-7(G): Water Appeals Board, having been fully revised and re-stated and included in Chapter 3: Village Water and Sewer, Section 6-3-18; included in the amendment set forth herein, shall be deleted from the Village Code.

Section 6. The provisions of Title 6: Public Ways and Properties, Chapter 3: Village Water and Sewer, Section 6-3-11(B): Rates and Charges for Water Supply and Distribution, subsection (4): "The surcharge described in subsection B1 shall be and is imposed for the purpose of funding and in particular, the surcharge described in section (B)(1) thereof, shall be deleted from the Village Code.

Section 7. The provisions of Title 6: Public Ways and Properties, Chapter 3: Village Water and Sewer, Section 6-3-13: Billing and Collecting of Water and Sewer Charges, shall be re-numbered, after amending said section to add a new subsection (A), as follows:

<u>Current numbering</u>	<u>New numbering</u>
6-3-13(A)	6-3-13(B)
6-3-13(B)	6-3-13(C)
6-3-13(C)	6-3-13(D)
6-3-13(D)	6-3-13(E)
6-3-13(E)	6-3-13(F)
6-3-13(F)	6-3-13(G)
6-3-13(G)	6-3-13(H)

Section 8. As specified in the attached text, the Corporate Authorities shall be and are authorized to make future adjustments to the water and sewer charges assessed to users of the Village water supply and distribution system, and the Village wastewater conveyance and treatment system, respectively, by motion and vote at any open meeting and without an ordinance or resolution further amending the provisions of the Village Code.

Section 9. If any section, subdivision, sentence or phrase of this Ordinance is for any reason held to be void, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. This Ordinance shall take effect upon its passage, approval, and publication in pamphlet form, according to law.

ADOPTED this 3RD day of APRIL, 2023, by roll call vote as follows:

AYES: PITRINO, DEATLEY, HARNEY, THORNE, NEALEC

NAYS: Ø

ABSENT: Ø

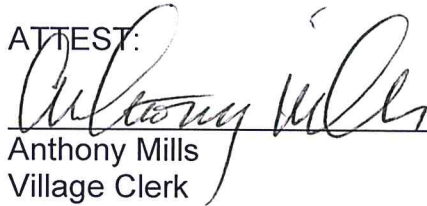
ABSTAIN: Ø

APPROVED this 3rd day of April, 2023



Stephan Pickett
Village President

ATTEST:

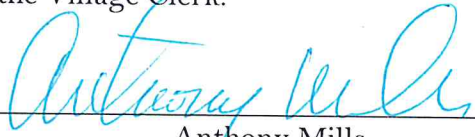


Anthony Mills
Village Clerk

CERTIFICATE

The undersigned hereby certifies:

1. I am the Village Clerk for the Village of Sleepy Hollow, Kane County, Illinois.
2. On APRIL 3, 2023, 2023 the Corporate Authorities of the Village enacted this Ordinance No. 2023 - 3, which provided by its terms that it shall be published in pamphlet form.
3. The pamphlet form of this Ordinance was duly prepared by me, and a copy of said Ordinance was thereafter posted in the Village Hall at One Thorobred Lane in the Village, commencing on APRIL 4, 2023, 2023 and continuing thereafter for at least the next following ten (10) days.
4. A copy of this Ordinance was also available for public inspection, after the date of its enactment, and upon request, at the Office of the Village Clerk.



Anthony Mills
Village Clerk

TITLE 6: PUBLIC WAYS AND PROPERTIES
CHAPTER 3: VILLAGE WATER AND SEWER
SECTION 6-3-8: METERS

A. Meters Required: Each individually owned premises using the Village water supply must be equipped with an adequate water meter furnished by the Village; provided, that such water service may be supplied by the Village at a flat rate or charge until such meter is installed.

1. No water shall be supplied to any premises in the Village from the Village water supply system unless there is compliance with this section.

2. Before any such premises is occupied, a water meter shall be installed therein as herein required, or an application shall have been filed with and approved by the Village for such water service to be provided at the flat rate or charge until the meter is installed.

3. Any owner(s) of a property on which water supply is obtained from a private well or other private source and for which water usage is not metered as of March 1, 2023 shall be equipped prior to April 30, 2025 with an adequate water meter furnished by the Village in accordance with the provisions of this Section.

* * *

E. Meter Repair; Temporary Replacement: No person shall remove a private meter for the purpose of having it repaired without first contacting the Director of Public Works and having the meter read before it is removed, and again, after it has been replaced. Whenever such meter is removed, a replacement meter shall be installed to provide for continuous metering of the water supply. If a replacement meter is not available for such installation, then the water and/or wastewater charges for the period during which no meter was in service shall be based on the average use for a previous, comparable period, as determined by the Village Finance Director.

TITLE 6: PUBLIC WAYS AND PROPERTIES
CHAPTER 3: VILLAGE WATER AND SEWER
SECTION 6-3-10: SWIMMING POOL WATER SUPPLY

* * *

A. Water obtained from the Village waterworks distribution system (or, in the alternative, from a Village approved well), for a swimming pool, shall be subject to the following: * * *

3. The owner shall make a deposit with the Village for such water supply in accordance with Section 6-3-11(D) of this Code.

TITLE 6: PUBLIC WAYS AND PROPERTIES

CHAPTER 3: VILLAGE WATER AND SEWER
SECTION 6-3-11: WATER CHARGES

* * *

A. Connection Charge:

1. A connection fee shall be charged for connection to the Village's water supply and distribution system, for any property for which a building permit is to be issued for a structure which will require a new connection to the Village's water supply and distribution system, as follows:

- a. For a single-family residential structure, the connection fee shall be four thousand dollars (\$4,000.00) per connection.
- b. For any multi-family building, the connection fee will be assessed per unit at a rate of \$15.00 per gallon of usage, based on an average daily water consumption of three hundred fifty (350) gallons per day per unit.
- c. For any commercial or industrial building, the connection fee will be assessed based on an estimation of average daily water usage, considering reasonable and sound engineering data for comparable users.
- d. For any municipal building owned or to be owned by the Village, no connection fee shall be charged.

2. All customers connecting to the system shall pay all costs associated with installation of service lines and other appurtenances required to connect to the system, and such items shall be subject to the approval of the village.

3. The connection fee shall be due and paid to the Village at the time of application for the building permit, or in any event, prior to connection to the water main or pipeline.

4. The connection fees collected by the Village shall be utilized to provide funds to pay for the construction and maintenance of the municipal water supply and distribution system in the village.

B. Rates and Charges for Water Supply and Distribution:

1. All property upon which any building has been built, except municipal buildings owned by the Village; buildings owned by Rutland-Dundee Fire Protection District, and buildings or property owned by Dundee Township Park District, which building has a connection with any mains or pipes which are connected and used for the Village water supply and distribution system,

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or, which building utilizes a private source for potable water, effective with the first 2023 billing, and as further set forth in this subsection, shall pay the following rates per month:

Sleepy Hollow water customers:	\$9.38 per 1,000 gallons of water used; plus \$30.00 per month demand charge; plus, a surcharge of \$6.70 per month; plus, a meter charge as follows:
	\$1.89 per month for 3/4" or 5/8" meter
	\$2.96 per month for 1" meter
	\$7.02 per month for 1 1/2" meter
	\$8.39 per month for 2" or greater meter

- a. Provided, the following commodity charge shall take effect and be charged from and after the following effective dates:

\$9.76 per 1,000 gallons of water used, effective January 1, 2024

- b. Provided, charges to the Dundee Township Park District for water supply shall be equal to the commodity charge described herein, without demand charge, surcharge, or meter charge.
- c. Provided, for any residential, commercial, or industrial building with more than one unit that does not provide a separate meter for each such unit, the property owner shall pay an additional demand charge for every unit more than one equal to \$30.00 per unit per month.

* * *

4. The surcharge described in subsection B1 shall be and is imposed for the purpose of funding certain improvements to be constructed for the Village's water supply and distribution system, specifically, to pay principal and interest on a loan of funds obtained by the Village for such purpose; and may be designated by the Corporate Authorities for such other purpose or purposes pertinent to the water supply and distribution system as may from time to time be deemed necessary or advisable.

* * *

D. Bulk Water Usage. * * *

3. Any person requesting bulk water supply shall deposit with the Village an amount equal to three hundred fifty dollars (\$350.00) prior to the time the water is to be provided, as a deposit to be applied to the total actual cost of water and labor, and no such service shall be rendered unless and until such deposit has been received. The fees to be assessed pursuant to this section shall be

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charged against said deposit, and the owner of the property in question shall be responsible for paying and shall pay within ten (10) days of billing any additional charges due.

* * *

G. Future Adjustments to Rates; Notice.

1. Rates for usage of the Village's water supply and distribution services hereafter may be established by the Corporate Authorities from time to time, by motion and vote at any open meeting, which actions when taken will supersede the charges set forth herein; and which actions may include adjustments to the connection charge, commodity charge, meter charge, temporary purposes charge, bulk water usage charge, fire charge, charge for any user outside the Village, shut-off and restoration charge, and any other charge for use of the Village's water services.

2. Each user will be notified by the village of any change in rates, in conjunction with a regular bill for water services.

TITLE 6:	PUBLIC WAYS AND PROPERTIES
CHAPTER 3:	VILLAGE WATER AND SEWER
SECTION 6-3-12:	BASIC USER RATES

* * *

B. When Payment Due, Penalty: * * *

2. Payment for water and sewer service bills not received within the twenty-five (25) day period shall incur a penalty equal to ten percent (10%) of any amount past due.

* * *

C. Connection Fees:

1. A connection fee shall be charged for connection to the Village's wastewater conveyance system, for any property for which a building permit is to be issued for a structure which will require a new connection to the Village's wastewater conveyance system, as follows:

- a. For a single-family residential structure, the connection fee shall be four thousand dollars (\$4,000.00) per connection.
- b. For any multi-family building, the connection fee will be assessed per unit at a rate of \$18.07 per gallon of usage, based on an average daily water consumption of three hundred fifty (350) gallons per day per unit.

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- c. For any commercial or industrial building, the connection fee will be assessed based on an estimation of average daily water usage, considering reasonable and sound engineering data for comparable users.
 - d. No connection fee will be charged for any municipal building owned or to be owned by the Village.
2. All customers connecting to the system shall pay all costs associated with installation of grinder pump stations and appurtenances and/or gravity service lines required to connect to the system, and such items shall be subject to the approval of the village.
3. The connection fee shall be due and paid to the Village at the time of application for the building permit, or in any event, prior to connection to the sewer main or pipeline.
4. The connection fees collected by the Village shall be utilized to provide funds to pay for the construction and maintenance of the municipal wastewater conveyance system and any municipal treatment system in the village.

D. Basic User Rates: The owner(s) of any property with metered water usage shall pay a minimum demand charge and basic user rate, and the owner(s) of any property with non-metered water usage shall pay a minimum flat rate charge for the use of and for service supplied by the wastewater conveyance and treatment facilities provided by the Village, effective with the June 1, 2023 billing, as follows:

- 1. For the owner(s) of any property equipped with a water meter and for which wastewater conveyance and treatment facilities are provided:
 - a. A sewer service demand charge equal to fifteen dollars sixty cents (\$15.60) per month; provided, the demand charge and the surcharge described in this section shall be charged to properties and/or persons in the Village, on the following bases:
 - (i) All properties which are connected to the Village's wastewater conveyance and treatment system;
 - (ii) Each individual apartment unit in the Village; that is, for any residential building with more than one unit, for which a separate meter for each unit is not provided, the owner shall pay an additional demand charge for each and every unit more than one equal to five dollars (\$5.00) per unit per month;
 - (iii) All commercial properties, including each unit thereof, in the Village; that is, for any commercial or industrial building with more than one unit, for which a separate meter for each unit is not provide, the owner shall pay an additional demand charge for each and every unit more than one equal to \$15.60 per month; and
 - (iv) All governmental units (except those exempted under subsection 6-3-10(B)(1) of this chapter) with buildings and/or water-using facilities in the Village.

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- b. A basic sewer user rate based on water usage and equal to eleven dollars and no cents (\$11.00) per thousand (1,000) gallons of water supplied to the premises per month shall be applied to all users for water consumption, effective for the June, 2023 billing date.
2. For the owner(s) of any property for which water is not metered and for which wastewater conveyance and treatment facilities are provided:
 - a. A flat rate sewer charge equal to seventy-five dollars (\$75.00) per month.
3. Certain users of wastewater conveyance and treatment facilities may also be subject to and shall pay a surcharge as described in section 6-3-11(E) of this chapter.
4. Upon completion of installation of a water meter at any property as required under §6-3-8, the Village shall assess to the owner(s) of said property the applicable sewer service demand charge and basic sewer user rate, and any other applicable charges for sewer service, as described in this chapter.

* * *

G. Future Adjustments to Rates; Notice:

1. Charges for usage of the Village's wastewater conveyance and treatment services hereafter may be established by the Corporate Authorities from time to time, by motion and vote at any open meeting, which actions when taken will supersede the charges set forth herein; and which actions may include adjustments to the connection charge, basic user rate, the demand charge, the flat rate sewer charge, a surcharge, or any other rate for used of the Village's wastewater services.
2. Each user will be notified by the village of any change in rates, in conjunction with a regular bill for sewer services.

TITLE 6:

PUBLIC WAYS AND PROPERTIES

CHAPTER 3:

VILLAGE WATER AND SEWER

SECTION 6-3-13:

**BILLING AND COLLECTING OF WATER
AND SEWER CHARGES**

A. Liability For Payment: The owner of the premises, the occupant thereof, and the user of the water supply and distribution facilities, and for the wastewater conveyance facilities, shall be jointly and severally liable to pay for such service to such premises and the service is furnished to the premises by the Village only upon condition that the owner of the premises, the occupant thereof, and the user of the facilities shall be and are jointly and severally liable therefor to the village.

TITLE 6:

PUBLIC WAYS AND PROPERTIES

CHAPTER 3:

VILLAGE WATER AND SEWER

SECTION 6-3-18:

**APPEALS; WATER & SEWER APPEALS
BOARD**

A. Water & Sewer Appeals Board: There is hereby established a Water & Sewer Appeals Board which shall consist of the Village President and Board of Trustees.

1. Any property owner of a premises subject to this article, who believes the enforcement of said provisions will result in an unusual hardship unique to such property owner, may request a variance or waiver of the enforcement of said provision(s), and have the matter heard and decided before the Water & Sewer Appeals Board.

2. The Water & Sewer Appeals Board shall have the authority to vary or waive the provisions of this article as to any such appellant or appellants, and the decision of said Board shall be binding upon all parties thereby affected.