

**VILLAGE OF OSWEGO
KENDALL AND WILL COUNTIES, ILLINOIS**

ORDINANCE NO. 23 - 72

**AN ORDINANCE AMENDING TITLE 7 CHAPTER 4 SECTION 6 AND TITLE 8
CHAPTER 7 SECTION 10 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF
OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**

(Sanitary and Water Rates)

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This 7th day of November, 2023

Prepared by and Return to:
Village of Oswego
100 Parkers Mill
Oswego, IL 60543

Published in this pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on November 8, 2023.

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WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit 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, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, the Village approved Ordinance No. 00-14 on April 24, 2000 establishing charges or rates for user of the sewer service for the Village of Oswego; and

WHEREAS, the Village approved Ordinance No. 19-46 on September 3, 2019 establishing water rates for the Village of Oswego; and

WHEREAS, the Village approved Resolution 21-R-101-46 on December 14, 2021 directing Public Works to pursue changing the Village water source to Lake Michigan water and receive the water from DuPage Water Commission; and

WHEREAS, the President and Board of Trustees met as a Committee of the Whole on August 22, 2023 and October 17, 2023 to review and consider adjustments to sanitary service and water rates; and

WHEREAS, the Village has determined that current sanitary service and water rates are insufficient to provide projected revenues necessary to support maintenance and growth of the existing sanitary service and water systems; and

WHEREAS, the Village desires to create a fixed rate base charge for customers proportional to the water meter size to ensure equitable charges based upon the impact on the water and sanitary sewer systems; and

WHEREAS, the Village desires to establish volumetric block rates for water charges to promote conservation and ensure equitable charges based upon volumetric impact on the water system.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL

COUNTIES, ILLINOIS IN THE EXERCISE OF THEIR HOME RULE, STATUTORY AND OTHER POWERS, as follows:

Section 1: AMENDMENT TO VILLAGE CODE

That the recitals set forth above are incorporated here by reference, and that

- A. The provisions of Sections 7-4-6(C), Permit Requirements and Fee Schedule, of the Village Code are hereby amended as set forth in Exhibit “A” attached hereto ; and
- B. That provisions of Sections 8-7-10 Rates of the Village Code are hereby amended as set forth in Exhibit “B” attached hereto .

Section 2: SEVERABILITY

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 3: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect on January 1, 2024 upon its passage, approval and publication in this pamphlet form which is hereby authorized, as provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 7th day of November 2023.

TOM GUIST	<u>AYE</u>	JENNIFER JONES SINNOTT	<u>AYE</u>
KIT KUHRT	<u>ABSENT</u>	KARIN MCCARTHY-LANGE	<u>AYE</u>
KAREN NOVY	<u>AYE</u>	ANDREW TORRES	<u>AYE</u>

APPROVED by me, Ryan Kauffman, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 7th day of November 2023.

RYAN KAUFFMAN, VILLAGE PRESIDENT

TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

CLERK'S CERTIFICATE
(ORDINANCE)

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

AN ORDINANCE AMENDING TITLE 7 CHAPTER 4 SECTION 6 AND TITLE 8 CHAPTER 7 SECTION 10 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS

(Sanitary and Water Rates)

which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 7th day of November 2023, approved by the Village President on the 7th day of November 2023 and thereafter published in pamphlet form to the extent required by law.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November 2023.

Tina Touchette, Village Clerk
Village of Oswego

(Seal)

EXHIBIT A

Sec. 7-4-6. - Permit requirements and fee schedule.

(C) Rates. In addition to the fees for connection, there shall be charges or rates for user of the sewer service, which shall be as follows:

1. Line maintenance and infiltration/inflow studies and abatement costs.

The fee for all sewer users in the Village of Oswego, for sewer line maintenance and infiltration/inflow studies and abatement shall be computed as follows:

One dollar twenty-eight cents (\$1.28) for each 100 cubic feet of water used.

Commencing January 1, 2024 and each subsequent January 1, the Village of Oswego’s sewer line maintenance and infiltration/inflow studies and abatement shall be computed for each 1,000 gallons (kgal) of water used in accordance with the following schedule:

Sewer Volumetric Rate per kgal - Schedule								
Rates and Charges	2024	2025	2026	2027	2028	2029	2030	2031
Non-Senior Rate	\$1.78	<u>\$1.85</u>	<u>\$1.92</u>	<u>\$2.00</u>	<u>\$2.08</u>	<u>\$2.16</u>	<u>\$2.25</u>	<u>\$2.34</u>
Senior Rate	\$0.89	<u>\$0.92</u>	<u>\$0.96</u>	<u>\$1.00</u>	<u>\$1.04</u>	<u>\$1.08</u>	<u>\$1.13</u>	<u>\$1.17</u>

Senior citizen rates. The rate established for residents eligible for the Kendall County and Will County senior citizen assessment freeze shall be ~~\$0.64 for each 100 cubic feet~~ in accordance with the Sewer Volumetric Rate Schedule per 1,000 gallons (kgal) of water used. To receive this rate for water supplied, residents eligible for the Kendall County or Will County senior citizen assessment freeze must contact the village and present documentation to verify their eligibility status.

In the event the user is not connected to the village water system, user shall provide metering equipment for billing information.

~~All users shall be subject to the annual CPI increases.~~

The rates set forth in this subsection (C)1 shall become effective with all bills issued on and after ~~July 1, 2000~~ January 1, 2024.

EXHIBIT B

Sec. 8-7-10. - Rates.

There shall be and there are hereby established rates and charges for the use of and for the service supplied by the village waterworks system based upon the amount of water consumed as shown by the water meters as follows:

(A) *Categories.*

1. Daily Service Charge.

(a) For each user of water, there shall be charged \$0.1055 for each day of service. Commencing January 1, 2024 and each subsequent January 1, the Daily Service Charge will increase to the following schedule according to the water meter size for each account:

Daily Service Charge – Fixed Fee Schedule								
Meter Size	2024	2025	2026	2027	2028	2029	2030	2031
3/4-inch	\$0.1371	\$ 0.1535	\$0.1700	\$0.1864	\$0.2193	\$0.2522	\$0.2850	\$0.3179
1-inch	\$0.1371	\$0.2733	\$0.3026	\$0.3318	\$ 0.3903	\$0.4489	\$0.5074	\$0.5659
1.5-inch	\$0.1371	\$ 0.6141	\$0.6799	\$0.7456	\$0.8772	\$1.0087	\$1.1402	\$1.2717
2-inch	\$0.1371	\$ 1.0916	\$1.2085	\$1.3254	\$1.5591	\$1.7929	\$2.0266	\$2.2604
3-inch	\$ 0.1371	\$ 2.4565	\$2.7196	\$2.9826	\$3.5086	\$4.0346	\$4.5607	\$5.0867
4-inch	\$ 0.1371	\$ 4.3665	\$4.8340	\$5.3015	\$6.2365	\$7.1716	\$8.1066	\$9.0416
6-inch	\$ 0.1371	\$ 9.8262	\$10.8782	\$11.9303	\$14.0344	\$16.1385	\$18.2426	\$20.3467

b. Village corporate accounts shall be exempt from paying the daily service charge.

c. Compound meters shall be charged based upon the diameter of the largest meter.

~~42. Water use rates.~~ For each user of water, there shall be charged \$0.1055 for each day of service ~~plus \$5.23~~ \$5.53 for each 100 cubic feet of water used. The rate set forth in this subsection shall become effective for all usage reflected on bills issued on and after ~~September 15, 2019~~ May 1, 2022.

~~Each subsequent May 1, the Village of Oswego's water rate per 100 cubic feet of water used will increase in accordance with the following schedule:~~

~~September 15, 2019\$ 5.23~~

~~May 1, 20205.33~~

~~May 1, 20215.43~~

~~May 1, 20225.53~~

Commencing January 1, 2024 and each subsequent January 1, the Village of Oswego's water rate for each 1,000 gallons (kgal) of water of water used in accordance with the following tiered schedule:

2.

<u>Non-Senior Water Rate Schedule per Kgal</u>								
<u>Rates and Charges in Calendar Year</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>
<u>Tier 1</u>	<u>\$7.69</u>	\$8.07	<u>\$8.39</u>	<u>\$8.73</u>	\$ 9.16	<u>\$ 9.62</u>	<u>\$10.10</u>	<u>\$10.61</u>
<u>Tier 2</u>	<u>\$7.69</u>	\$8.07	<u>\$8.72</u>	<u>\$9.41</u>	\$ 9.88	<u>\$10.38</u>	<u>\$10.90</u>	<u>\$11.44</u>
<u>Tier 3</u>	<u>\$7.69</u>	\$8.07	<u>\$8.88</u>	<u>\$9.76</u>	\$10.25	<u>\$10.77</u>	<u>\$11.30</u>	<u>\$11.87</u>

Where:

Tier 1 = 0 to 15,000 gallons bi-monthly or 0 to 7,500 gallons monthly billing schedule

Tier 2 = 15,001 to 1,000,000 gallons bi-monthly, 7,501 to 500,000 gallons monthly billing schedule

Tier 3 = >1,000,000 gallons bi-monthly or >500,000 gallons monthly billing schedule

3. Outside village limits water rate. The rates herein established shall be doubled for water users located outside the village corporate limits.

34. Senior citizen rates. The rate established for residents eligible for the Kendall County or Will County senior citizen assessment freeze shall be \$0.1055 for each day of service plus ~~\$2.62~~ \$2.77 for each 100 cubic feet of water used. To receive this rate for water supplied, residents eligible for the Kendall County or Will County senior citizen assessment freeze must contact the village and present documentation to verify their eligibility status. The rate set forth in this subsection shall become effective for all usage reflected on bills issued on and after ~~September 15, 2019~~ May 1, 2022.

~~Each subsequent May 1, the Village of Oswego's water rate per 100 cubic feet of water used will increase in accordance with the following schedule:~~

~~September 15, 2019\$ 2.62~~

~~May 1, 20202.67~~

~~May 1, 20212.72~~

~~May 1, 20222.77~~

Commencing January 1, 2024 and each subsequent January 1, the Village of Oswego's water rate per 1,000 gallons of water used will increase to the following schedule:

<u>Senior Water Rate Schedule per Kgal</u>

Rates and Charges in Calendar Year	2024	2025	2026	2027	2028	2029	2030	2031
<u>Tier 1</u>	\$3.84	\$4.03	\$4.20	\$4.36	\$4.58	\$4.81	\$5.05	\$5.30
<u>Tier 2</u>	\$3.84	\$4.03	\$4.36	\$4.71	\$4.94	\$5.19	\$5.45	\$5.72
<u>Tier 3</u>	\$3.84	\$4.03	\$4.44	\$4.88	\$5.13	\$5.38	\$5.65	\$5.93

Where:

Tier 1 = 0 to 15,000 gallons bi-monthly or 0 to 7,500 gallons monthly billing schedule

Tier 2 = 15,001 to 1,000,000 gallons bi-monthly, 7,501 to 500,000 gallons monthly billing schedule

Tier 3 = >1,000,000 gallons bi-monthly or >500,000 gallons monthly billing schedule

5. Village of Oswego rate. The Village of Oswego shall bill \$1.00 for the first 1,000,000 gallons used each billing period, and \$1.00 additional for each 1,000,000 gallons above 1,000,000 gallons used in each billing period.

46. Water hydrant meter rates. For each user of water from village fire hydrants, there shall be charges assessed as follows:

(a) Deposit. ~~\$150.00~~ \$400.00 for the use of a one-inch village hydrant meter. and ~~\$700.00~~ \$1,200.00 for the use of a three-inch village hydrant meter.

(b) Water usage charge. The charge for water usage shall be twice the amount of the normal Village of Oswego water rate per ~~100 cubic feet~~ 1,000 gallons (kgal) that is charged to regular water customers.

57. Temporary use/service. There shall also be established rates and charges for the temporary use of and/or the temporary service supplied by the village waterworks system for village residents and those present water users who reside outside the village limits. Nonemergency, temporary use of water is available upon request either from a fire hydrant or other designated point which the village may designate on its village waterworks system for such purposes as filling or replenishing privately owned swimming pools or portable water tanks. This service will be supplied only during normal business hours and under the direct supervision of the director of public works or such employee as the village may designate from time to time. All water supplied for nonemergency, temporary needs shall be measured by portable metering equipment owned by the village, unless delivery is made to a tank for which a capacity has been previously determined.

(B) Payment. All charges for water shall be due and payable on rendition by mailing or electronic media of a notice in the amount to the owner or tenant and shall be delinquent 20 days after their rendition and in the event of failure to pay such bills within a 20-day period, an additional charge of ten percent shall become due and payable each billing period for all unpaid past due amounts. In the event of failure to pay such bills including the additional ten percent charge within 44 days after their rendition, an additional late payment charge in the amount of \$50.00 shall become due and payable each billing period for all unpaid past due amounts.

The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay the service on such premises and the service is furnished to the premises, occupant and user of the service are jointly and severally liable therefor to the village.

(C) *Reinstatement fee.* In the event the water service is turned off at the request of the consumer there shall be a \$50.00 reinstatement fee paid prior to turning the water back on. Should a consumer write a nonsufficient funds (NSF) check during the water shutoff period of the water billing cycle, the consumer will be liable for a charge of \$29.50 plus all additional amounts due and payable as defined in subsection (B) of this section on the service.

(D) *Access to records.* The Illinois EPA or United States EPA or its authorized representative shall have access to any books, documents, papers and records of the Village of Oswego, Illinois, which are applicable to the Village of Oswego, Illinois, system of water rates for the purpose of making an audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions of any state of Illinois grant and any loan agreement and rules of any state of Illinois loan to the Village of Oswego for its water system.

(E) *Appeals.*

1. The method for computation of rates and service charges established for rates established in this section shall be made available to any owner, occupant or user within ten days of receipt of a written request for such.
2. The village administrator shall designate one or more officers or employees who shall be available during village business hours to hear, in person, appeals regarding bills for payment of water rates. In the event of an appeal, the designee shall explain the appellant's account, shall consider the appellant's allegations and contentions and shall be authorized to act on behalf of the village in resolving the dispute.
3. When an appellant disputes a particular bill, the village shall not discontinue service for nonpayment so long as the appellant:
 - (a) Promptly pays the undisputed portion of the bill or an amount equal to last year's bill at the location for the same period, normalized for weather, whichever is greater; and
 - (b) Pays all future periodic bills in full by the due date; and
 - (c) Enters into bona fide discussions with the village to settle the dispute with dispatch; provided, however, that the village retains the right to discontinue service if an agreement cannot be reached.
4. No delinquency penalties shall be charged on any disputed bill paid within ten days of resolution of the dispute if the appeal was filed before the bill became past due.

(F) *Definitions.* Unless the context specifically states otherwise, the meaning of terms used in this chapter shall be as follows:

CPI. The Consumer Price Index.

Consumer. Any and all persons, natural or artificial including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Cubic feet. A unit of measure where 100 cubic feet of water is equal to 750 gallons of water.

EPA. Environmental Protection Agency.

Kgal. 1,000 gallons

May. Is permissible.

Ordinance. This ordinance.

Shall. Is mandatory.

Village of Oswego, Illinois. The Village of Oswego of the state of Illinois.

Village waterworks system. The means by which water is supplied to consumers and wastewater is transported away from consumers.
