

ORDINANCE NO. 03-2024
ORDINANCE AMENDING THE WATER AND SEWER CODES

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF ATHENS, MENARD COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the 8th day of April, 2024, WITNESSETH:

WHEREAS, the CITY OF ATHENS is a municipal corporation located in Menard County, Illinois; and

WHEREAS, the CITY OF ATHENS desires to amend their city code regarding the sewer and water code provisions, noting that rates disconnection fees need to be amended to reflect modern fees; and

WHEREAS, the CITY COUNCIL believes it would be in the best interests of the constituents of Athens if the rates were modernized to reflect the continued ability to provide quality water and sewer service, manage the upkeep/maintenance, and continue investment to strengthen the water/sewer system in Athens;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF ATHENS, as follows:

1. That the City of Athens will amend 6-2-2 as attached below (Exhibit A).
2. That the City of Athens will amend 6-2-6 as attached below (Exhibit A).
3. That the City of Athens will amend 6-2-8 as attached below (Exhibit A).
4. That the City of Athens will amend 6-2A-5 as attached below (Exhibit A).
5. That the City of Athens will amend 6-3-4 as attached below (Exhibit A).
6. That the City of Athens will amend 6-3-7 as attached below (Exhibit A).
7. Any removals of entire sections will adjust the numbering of later provisions to ensure there are no gaps in the numbering of the City Code.
8. Effective Date. That this Ordinance is effective upon passage of the same.

The vote on the adoption of this Ordinance was as follows:

Alderman Chernowsky	<u>Ayes</u>	Alderman Thompson	<u>Ayes</u>
Alderman Hoffman	<u>Ayes</u>	Alderman Puma	<u>Ayes</u>
Alderman Tobias	<u> </u>	Alderman Lantz	<u>Ayes</u>

Ayes: 5

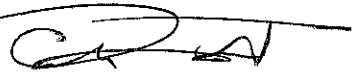
Nays: 0

Absent: 0

Abstain: 0

Passed and approved this 8th day of April, 2024.

CITY OF ATHENS,

BY: 

Chris Reichert, Mayor
City of Athens, Menard County, Illinois

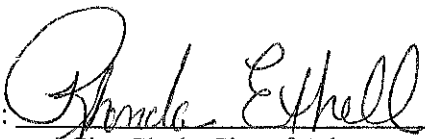
ATTEST:  (SEAL)
City Clerk, City of Athens,
Menard County, Illinois

EXHIBIT A

6-2-2: APPLICATION FOR WATER SERVICE AND TAP; DEPOSIT AND FEES:

A. Each applicant for water service shall file with the city waterworks and sewerage system an application therefor, in writing, setting forth the name of the applicant, the location of the premises for which supply or service is sought, the name of the owner of the premises, if other than the applicant, and the nature of such service. For applicants who are not currently paying for and receiving city water service, a one hundred fifty dollar (\$150.00) security deposit with the application shall be required which shall be refundable (unless there is a default in payment of water bills) as follows: (Ord. 07-2014, 8-11-2014; amd. 2017 Code)

1. If the applicant is the owner in fee simple of the pertinent premises, the deposit shall be refunded upon the cessation of ownership of the premises unless there has been a default in timely payment of the water bill, in which case, the defaulted sum shall be deducted from the payment due, and an additional deposit payment so as to maintain a security deposit of one hundred fifty dollars (\$150.00) shall then be due.
2. If the applicant is purchasing the pertinent premises on a contract for deed or installment contract, the deposit shall be refunded upon cessation of ownership of the premises unless there has been a default in timely payment of the water bill, in which case, the defaulted sum shall be deducted from the payment due, and an additional deposit payment so as to maintain a security deposit of one hundred fifty dollars (\$150.00) shall then be due.
3. If the applicant is leasing the pertinent premises, the deposit shall be refunded at the time that the lease (or extension thereof) expires.

B. The owner in fee simple of any premises leased shall be jointly and severally liable with the lessee for all sums due under this chapter.

C. No interest shall be payable on any refunded security deposit.

D. If water service for any applicant is thereafter terminated for nonpayment of water bills, the refund period shall recommence for the applicable period on the date the delinquent bill is paid. The security deposit shall be held by the city as security for payment for the water used by the applicant and may be so applied by the city when said applicant's water bill is in default as provided herein. (Ord. 07-2014, 8-11-2014)

E. Each applicant for water service tap-on shall provide a plan of, specifications of, cost estimate of such connection, tap-on, and all water lines to be used in said proposed service from the point of the tap-on to the point of use and remit a tap-on fee to the city in the following sum. Said sum shall be in addition to the sums required for applicants for water service.

Tap Size (Inches)	Tap Fee
3/4	\$2,250.00
1	\$2,500.00

Any meters to be installed over 1" will be done on a time and material basis.

(Ord. 01-2015, 3-9-2015; amd. 2017 Code)

F. A reconnection fee of one hundred dollars (\$100.00) shall be due prior to any reconnection. (Ord. 04-2008, 5-12-2008)

6-2-6: RATES AND CHARGES:

A. Rates And Charges Established: For each person or entity using city water, the rates shall be as follows:

1. Inside City Limits: For users situated inside the city limits, the rates are as follows: First one thousand (1,000) gallons or less, twenty-five dollars (\$25.00); seven dollars (\$7.00) for each additional one thousand (1,000) gallons or fraction thereof.
2. Outside City Limits:
 - a. Rates for users situated in the area outside Athens city limits shall be as follows: First one thousand (1,000) gallons or less, thirty five dollars sixty six cents (\$35.66); ten dollars and fifty-three cents (\$10.53) for each additional one thousand (1,000) gallons or fraction thereof.
 - b. Bulk weight rates shall be fifty cents (\$0.50) per each twenty-five (25) gallons.
 - c. The rates established in this section shall be effective on May 1, 2024, and shall increase at a rate of the consumer price index rate or at a minimum of four percent (4%), whichever is greater, on May 1 each year thereafter unless otherwise amended by the Athens City Council.

B. Monthly Bills; Late And Delinquent Payments: Except where any deposits are made as may be required in advance, water and other related services shall be paid for each billing month, as fixed for each particular customer by the city waterworks and sewerage system at the charges set forth in this section if paid at the office of the city waterworks and sewerage system on or before the penalty date, which shall be the fifteenth day after the billing statement is sent (unless the fifteenth day shall fall on a Sunday or legal holiday, the penalty date shall be the next succeeding secular day), at which time, if said statement is not paid in full, an additional charge or penalty of ten percent (10%) of the unpaid balance will be added to the amount billed. The City will send out disconnect notices for non-payment on the 20th of each month. The thirtieth day after the statement is sent shall be the delinquency date, and should the charges not be paid by said date, the service provided thereto will be disconnected without further notice. Water service will be shut off if not paid by the date listed on the disconnect notice and the bill shall be paid in full prior to water service being turned back on. Payments received after 3:00 p.m. will be turned on

the following business day. A \$100 reconnect fee will be assessed for all water services turned off/on for non-payment.

C. **Liability Of Consumer For Charges:** The consumer is responsible and liable for paying the water service charges for service furnished to the premises registered by the meter in accordance with the charges now or as hereafter may be fixed by city ordinance. "Consumer" shall include both the occupant(s) and the owner(s) of the premises, including both tenant and landlord, such that the occupant(s) and the owner(s) shall be jointly and severally liable for any such charges for service to the premises. Acceptance of such joint and several liability is a condition for receipt of water service, and payment of such charges therefor shall be a condition for continuing service under this chapter.

D. **Failure Of Meter To Register:** If a meter at any time fails to register the quantity of water, the quantity shall be estimated, and the charge to be made shall be based on the average quantity registered during such reasonable period of time prior to the date of the failure as the superintendent of the waterworks and sewerage system may direct. (Ord. O-5-73, 2-20-1973; amd. Ord. 10-2002, 11-11-2002; Ord. 06-2007, 7-9-2007; Ord. 01-2015, 3-9-2015; 2017 Code; Ord. 02-2019, 4-23-2019; Ord. 08-2019, 8-12-2019)

6-2-8: WASTE OF WATER; WATER LEAKS:

A. Waste Of Water:

1. If it shall be found that there is an unreasonable or unnecessary waste of water in any building, structure or premises to which water is supplied from the city's waterworks and sewerage system, through or by means of a leak in any water pipe located in any such building or structure or in or on any such premises, the waterworks and sewerage system may cause the water supply to be cut off from such building, structure or premises unless such waste shall be stopped or shall cease within twenty four (24) hours after there shall have been given notice to the owner, occupant or person in possession, charge or control of such building, structure or premises to stop such waste.
2. In cases where the water supply is cut off from any building, structure or premises on account of a neglect, failure or refusal of any person so notified to stop such leak, the water supply shall not again be turned on until the cost and expense to the city of cutting off and again turning on the water supply shall have been paid by such owner, occupant or person in possession, charge or control. (Ord. O-5-73, 2-20-1973)

B. **Water Leaks:** In the event that a leak occurs at a site between the meter and the user premises, the expense of repairing the leak is the sole and exclusive obligation of the user. In the event of the discovery of such a leak or a probable leak, the user shall have the following options:

1. The user may repair the leak within five (5) working days from the date the city notifies the user in writing of such leak or probable leak. Notice sent by U.S. mail to the last address provided to the city for billing purposes shall be considered sufficient notice. In the event that the leak is repaired within said five (5) days, then the water bill for the user shall be adjusted based upon average usage over the three (3) months immediately preceding the discovery of the leak. The user must notify the city in writing of the repair of the leak within said five (5) working days for purposes of this subsection.
2. The user may notify the city in writing to cut off the water service to the premises until the leak is repaired by the user. The water bill for the user shall be adjusted based upon an average usage over the three (3) months immediately preceding the cutoff of water services. Upon repair of the leak by the user and written notification thereof to the city, water service shall be returned to the premises at no charge to the user.
3. The user may disregard repairing the leak and/or notifying the city to cut off the water service to the premises, in which case, no adjustment shall be made to the user's water bill. (Ord. 08-93, 10-11-1993)

**6-2A-5: VIOLATIONS; DISCONNECTION OF WATER SERVICE;
RECONNECTION FEE:**

The superintendent of the waterworks and sewerage system is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this article is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this article, and until a reconnection fee of one hundred dollars (\$100.00) is paid to the city. Immediate disconnection with verbal notice can be effected when the superintendent is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided, that in the reasonable opinion of the superintendent of the waterworks and sewerage system or the Illinois environmental protection agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the city nor its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this article, whether or not said termination was with or without notice. (Ord. 09-88, 12-12-1988; amd. 2017 Code)

6-3-4: APPLICATION FOR SEWER SERVICE AND TAP; DEPOSIT AND FEES:

A. Each applicant for sewer service shall file with the city waterworks and sewerage system an application therefor, in writing, setting forth the name of the applicant, the location of the premises for which service is sought, the name of the owner of the premises, if other than the applicant, and the nature of the service. For applicants who are not currently paying for and receiving city sewer service and for those applicants who have been provided city sewer service and have been more than sixty (60) days delinquent on their sewer bill, a one hundred fifty dollar (\$150.00) security deposit with the application shall be required which shall be refundable (unless there is a default in payment of sewer bills) as follows:

1. If the applicant is the owner in fee simple of the pertinent premises, the deposit shall be refunded upon the cessation of ownership of the premises unless there has been a default in timely payment of the sewer bill, in which case, the defaulted sum shall be deducted from the payment due, and an additional deposit payment so as to maintain a security deposit of one hundred fifty dollars (\$150.00) shall then be due.
2. If the applicant is purchasing the pertinent premises on a contract for deed or installment contract, the deposit shall be refunded upon cessation of ownership of the premises unless there has been a default in timely payment of the sewer bill, in which case, the defaulted sum shall be deducted from the payment due, and an additional deposit payment so as to maintain a security deposit of one hundred fifty dollars (\$150.00) shall then be due.
3. If the applicant is leasing the pertinent premises, the deposit shall be refunded at the time that the lease (or extension thereof) expires.

B. The owner in fee simple of any premises leased shall be jointly and severally liable with the lessee for all sums due under this chapter.

C. No interest shall be payable on any refunded security deposit.

D. If sewer service for any applicant is thereafter terminated for nonpayment of sewer bills, the refund period shall recommence for the applicable period on the date the delinquent bill is paid. The security deposit shall be held by the city as security for payment for the sewers used by the applicant and may be so applied by the city when said applicant's sewer bill is in default as provided herein. (Ord. 07-2014, 8-11-2014)

E. Each applicant for sewer service tap-on shall provide a plan of, specifications of, and cost estimate of such connection, tap-on, and all sewer lines to be used in said proposed service from the point of the tap-on to the point of use and remit a tap-on fee to the city in the sum of one thousand dollars (\$1,000.00) for each tap-on within or without the city limits. Said sum shall be in addition to the sums required for applicants for sewer service. (Ord. 01-2015, 3-9-2015)

F. A reconnection fee of one hundred dollars (\$100.00) shall be due prior to any reconnection. (Ord. 07-2014, 8-11-2014)

6-3-7: RATES AND CHARGES:

A reasonable charge shall be made to the users of the sewerage system and shall be based upon water consumption.

A. Rates Established: The sewer rates shall be as follows:

Water Consumption Per Month	Monthly Charge
1,000 gallons or less	\$26.39
More than 1,000 gallons	\$26.39, plus \$6.61 per each additional 1,000 gallons or part thereof

B. Bills For Service: All charges for sewerage service shall be billed on the last day of the month following the meter reading or estimate of use, and shall be due and payable on or before the tenth day of the month following such reading.

C. The rates established in this section shall be effective on May 1, 2024, and shall increase at a rate of the consumer price index rate or at a minimum of four percent (4%), whichever is greater, on May 1 each year thereafter unless otherwise amended by the Athens City Council.

D. Late And Delinquent Payments:

1. There will be a ten percent (10%) penalty added to each sewer bill that is unpaid on or before the penalty date, which shall be ten (10) days after the due date appearing on the monthly statement to the customer, unless said penalty date shall fall on a Sunday or holiday, in which case, the penalty date shall be the next succeeding secular day.
2. If such payment is not paid on or before the penalty date, an additional charge or penalty of ten percent (10%) will be added to the amount billed.
3. Bills shall be due the fifteenth of each month. Any account not paid by the fifteenth of each month shall be the delinquency date and should the charges not be paid by said date, the water service will be discontinued without notice and will not be restored until the delinquency is paid in full with an additional one hundred dollar (\$100.00) service fee to cover the cost of restoring service.

E. Liability Of Consumer For Charges: The consumer is responsible and liable for paying the sewer service charges for service furnished to the premises registered by the water meter in accordance with the charges now or as hereafter may be fixed by city

including both tenant and landlord, such that the occupant(s) and the owner(s) shall be jointly and severally liable for any such charges for service to the premises. Acceptance of such joint and several liability is a condition for receipt of sewer service, and payment of such charges therefor shall be a condition for continuing service under this chapter. (Ord. O-5-73, 2-20-1973; Ord. 06-2007, 7-9-2007; Ord. 01-2015, 3-9-2015; 2017 Code; Ord. 03-2019, 4-23-2019)