

**ORDINANCE NO. 2017 - 01**

**AN ORDINANCE ESTABLISHING NEW WATER RATES AND FEES FOR THE USE OF AND SERVICE SUPPLIED BY THE WATERWORKS SYSTEM OF THE VILLAGE OF WINNEBAGO, SEWER CONNECTION FEES FOR ONLY THOSE PROPERTIES IDENTIFIED IN THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WINNEBAGO AND THE ROCK RIVER WATER RECLAMATION DISTRICT; AND A CAPITAL FEE**

WHEREAS, the Village of Winnebago operates a potable water system within the Village, and has previously established rates for the usage of its water system; and

WHEREAS, the Village of Winnebago conveyed ownership of its sewer collection system and treatment facility to the Rock River Water Reclamation District by Intergovernmental Agreement (IGA) between the Village of Winnebago and Rock River Water Reclamation District dated December 21, 2011, with amendment thereto dated April 3, 2012, and with the acquisition approved by the Winnebago County Circuit Court in Case No. 2012-MR-339 on May 11, 2012; and

WHEREAS, Rock River Water Reclamation District operates the sewer system servicing the Village of Winnebago, as per the IGA; and

WHEREAS, the current ordinance 2011-06 as amended via Ordinance No. 2014-06, provided rates and fees through December 31, 2016, and a new ordinance is, thus, needed to provide for rates and fees after December 31, 2016; and

WHEREAS, the Board of Trustees of the Village of Winnebago feels it is in the best interest of the citizenry of the Village to establish a new ordinance providing for water rates and water meter, water connection, water administration, and water shutoff fees; sewer connection fees which apply only to those properties identified in Group Exhibit "A" to this ordinance, reflecting those properties served by the then sewage collection system identified in said exhibit at the time the aforesaid IGA was executed with the Rock River Water Reclamation District, and for which a plant buy-in fee was paid on behalf of each of the given properties by the Village of Winnebago; and a capital fee based on water usage to cover current and future capital improvements to the Village's waterworks system and to help subsidize the Village's approximate \$11,5000.00 debt incurred in conveying the Village's sewer collection system and treatment facility to the Rock River Water Reclamation District, which conveyance was at a significant savings of what would have been required for the Village to perform the necessary upgrades to its own sewer system required by the Illinois Environmental Protection Agency (IEPA); and

WHEREAS, the capital usage rate charge referenced above needs to be listed separately for water and sewer since not all properties have potential access to both water and sewer from the available infrastructure.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Winnebago, as follows:

**SECTION I – RATES AND FEES**

**A. IN GENERAL.** The new rates and fees listed hereinbelow for the use of and for the service supplied by the Village of Winnebago shall be and hereby are established, with the rates and fees for users outside the Village of Winnebago corporate limits being 150% of the rate for the given service for users within the corporate limits of the Village of Winnebago, and with such rates and fees commencing at the beginning of the calendar year for each of the respective years listed.

**B. WATERWORKS:**

**1. WATER METER FEES.** Village resident customers must pay all associated costs for new water meter installation as determined at the time the connection permit application is submitted, and which are separate from connection fees referenced below. These costs shall include the material cost of the meter and necessary accessories, plus labor for installation and inspection. This water meter fee must be paid before the water service is turned on. For customers who are not Village residents, the cost shall be 150% of all associated costs for new water meter installation, as determined at the time the connection permit application is submitted, as referenced above. The water meter shall be the property of the Village of Winnebago, but the user shall be responsible for maintenance of the meter and replacement of the meter for any reason, including but not limited to, willful or malicious damage, negligence, or damage sustained by freezing or caused by hot water backing through the same, except for the normal scheduled replacement of the water meter by the Village after the meter's normal life expectancy which is generally 14-20 years,

**2. WATER CONNECTION FEES.** There shall be and hereby are established the following water connection fees based on the size of the service and whether the person or entity connecting is a Village resident or non-resident, established with the intent to collect from each new customer that customer's proportional cost of constructing the water supply, treatment, and distribution systems, and with the goal that the growth pay for itself, rather than using revenue from existing customers to subsidize the cost of meeting additional demand from new customers:

**Resident Water Connection Fee Schedule**

≤ 1-inch service	\$1,911.00
1.25 to 1.5-inch service	\$5,449.00
2-inch service	\$8,695.00
3-inch service	\$17,389.00
4-inch service	\$27,243.00
6-inch service	\$54,486.00

**Non-Resident Water Connection Fee Schedule**

< 1-inch service	\$2,866.00
1.25 to 1.5-inch service	\$8,173.00
2-inch service	\$13,042.00
3-inch service	\$26,084.00
4-inch service	\$40,864.00
6-inch service	\$81,729.00

The fees listed above shall not include any water used during construction. Further, if there is no Buffalo Box in place on the premises, then in addition to the above costs, \$1,500.00 shall be due. The fees listed above shall remain in effect until such time as they are amended by the Village Board of Trustees.

3. a) **MONTHLY FIXED WATER ADMINISTRATION FEES.** There shall be and hereby are established the following fixed monthly water administration fees based on water meter size to reflect the increased demand placed on the water system by higher levels of usage, and to be assessed as a base bill whether or not a given customer uses any water during a given billing period, as the monthly fixed charges are structured to cover overhead and administrative costs that remain relatively constant, such as administrative overhead, utility management, meter reading, billing, customer service, replacement of meters on a regular basis, and government-mandated permit and testing fees, with such monthly fixed water administration fees based on whether the customer is a resident or non-resident of the Village:

**Resident Monthly Fixed Water Administration Fees**

	FY 2017	FY 2018	FY 2019	FY2020	FY2021
< 1-inch service	\$4.70	\$4.90	\$5.00	\$5.00	\$5.00
1.25 to 1.5-inch	\$9.40	\$9.80	\$10.00	\$10.00	\$10.00
2-inch service	\$15.04	\$15.68	\$16.00	\$16.00	\$16.00
3-inch service	\$30.96	\$32.28	\$33.00	\$33.00	\$33.00
4-inch service	\$45.43	\$47.36	\$48.00	\$48.00	\$48.00
6-inch service	\$94.90	\$98.93	\$101.00	\$101.00	\$101.00

**Non-Resident Monthly Fixed Water Administration Fees**

	FY 2017	FY 2018	FY 2019	FY2020	FY2021
< 1-inch service	\$7.05	\$7.35	\$7.50	\$7.50	\$7.50
1.25 to 1.5-inch	\$14.10	\$14.70	\$15.00	\$15.00	\$15.00
2-inch service	\$22.56	\$23.52	\$24.00	\$24.00	\$24.00
3-inch service	\$46.44	\$48.42	\$50.00	\$50.00	\$50.00
4-inch service	\$68.15	\$71.04	\$72.00	\$72.00	\$72.00
6-inch service	\$142.35	\$148.40	\$151.00	\$151.00	\$151.00

b) A water administration fee shall also be assessed to non-metered water services that are used only for fire suppression based on the size of the service.

c) No water administration fee shall be assessed for water if the water is shut off, voluntarily or involuntarily, for the period of time that the water is shut off.

**4. MONTHLY USAGE WATER RATES.** In addition to the above water administration fees, there shall be the following rates established to be charged for each residential, commercial, industrial, and municipal user of the waterworks service for actual usage, per 1,000 gallons, as stated below, based on whether the user is a Village resident or non-resident, with such rates in effect from the bill mailed out February 1, 2017, covering the time period of December 30, 2016, through January 30, 2017, through services rendered through December 31<sup>st</sup> of fiscal year 2021.

**Resident Water Usage Rates**

FY 2017	FY 2018	FY 2019	FY2020	FY2021
\$2.80	\$3.20	\$3.30	\$3.30	\$3.30

**Non-Resident Water Usage Rates**

FY 2017	FY 2018	FY 2019	FY2020	FY2021
\$4.20	\$4.80	\$4.95	\$4.95	\$4.95

**5. WATER SHUTOFF FEE:**

a) For any water bill not paid by the 15<sup>th</sup> of any given month for which a late fee of 15% as described hereinbelow shall have been assessed, and not paid by the time the next month's bill is sent out, a second notice shall be sent with the next month's bill listing the amount currently overdue, the late payment penalty amount, the Village's water service shutoff policy, and the customer's due process rights. If the overdue balance is not paid within 15 days of said second notice, a Village Public Works employee shall post a shutoff tag on the customer's front door, and a \$25.00 tag fee shall be added to the respective customer's account. If the overdue balance and all subsequent fees are not paid within 48 hours of posting the shutoff tag, the Public Works Department personnel shall shut off the customer's water service, this shutoff shall be considered an involuntary shutoff, and a \$100.00 shutoff fee shall be added to the outstanding balance. This shutoff or disconnect fee shall include one turn off and one subsequent turn on of the water by a designated Village employee. Delinquent customers must pay the entire past due amount, late payment penalty, and the total of \$125.00 in additional fees as outlined above before water service shall be restored. In the event turn on of water, whether for initial service or restoration of water service, is requested for scheduling at a time other than normal Village business hours, an additional fee of \$50.00 shall be assessed, and such fee, along with all other charges referenced above must be paid before the water is turned on.

b) In the event water is temporarily shut off at the request of the customer the shutoff shall be considered as a voluntary shutoff and the shutoff fee shall be \$50.00. This shutoff or disconnect fee shall, likewise, include one turn off and one subsequent turn on of the water by a designated Village employee.

c) The water account holder or his or her designated representative must be present and sign the Village work order at the time the respective Village employee turns on the water.

## C. SEWER

1. **SEWER CONNECTION FEES.** Only as to those properties referenced hereinbelow in this paragraph, there shall be and hereby are established the following sewer connection fees based on the water service size and whether the person or entity connecting is a Village resident or non-resident, established with the intent to collect from each new customer that customer's proportional cost of constructing the wastewater collection, treatment, and discharge systems, in accordance with the terms of the aforesaid IGA with the Rock River Water Reclamation District, and with the goal that the growth pay for itself, rather than using revenue from existing customers to subsidize the cost of meeting additional demand from new customers. These fees shall apply only to the properties as served by the then current sewage collection system identified in Exhibit B 2 of the IGA, as amended, between the Village of Winnebago and the Rock River Water Reclamation District because for these properties a plant buy-in fee to Rock River Water Reclamation District was paid by the Village of Winnebago. A copy of the map depicting the affected properties, as well as the listing of such properties marked Group Exhibit "A" is attached hereto, incorporated herein, and made a part hereof.

### Resident Sewer Connection Fee Schedule

≤ 1-inch service	\$3,292.00
1.25 to 1.5-inch service	\$9,390.00
2-inch service	\$15,071.00
3-inch service	\$30,141.00
4-inch service	\$46,951.00
6-inch service	\$93,901.00

### Non-Resident Sewer Connection Fee Schedule

≤ 1-inch service	\$4,938.00
1.25 to 1.5-inch service	\$14,085.00
2-inch service	\$22,606.00
3-inch service	\$45,212.00
4-inch service	\$70,426.00
6-inch service	\$140,852.00

In the event street repairs will be necessitated due to the sewer connection, in addition to the aforesaid connection fees, there shall also be a \$2,000.00 refundable deposit provided that the owner or developer makes the necessary street repairs necessitated by the sewer connection within one year from the date of such connection. If such repairs are not made within the prescribed time period, the \$2,000.00 deposit shall no longer be refundable, and rather shall become the property of the Village of Winnebago, Illinois, to be used to make the necessary street repairs. In addition, the owner and developer shall be jointly and severally liable to the Village for any difference in the deposit amount and the actual cost to the Village to make the necessary street repairs. The fees listed above shall remain in effect until such time as they are amended by the Village Board of Trustees.

**2. MONTHLY FIXED SEWER ADMINISTRATION CHARGES.** There shall be and hereby are established the following fixed monthly sewer administration charges based on water meter size to reflect the increased demand placed on the sewer system by higher levels of usage, and to be assessed as a base bill whether or not a given customer uses any water during a given billing period, as the monthly fixed charges are structured to cover overhead and administrative costs that remain relatively constant, such as administrative overhead, required reporting to the Rock River Water Reclamation District for the District's billing purposes, billing, and customer service, with such monthly fixed sewer administration charges based on whether the customer is a resident or non-resident of the Village:

**Resident Monthly Fixed Sewer Administration Charges**

	FY 2017	FY 2018	FY 2019	FY2020	FY2021
< 1-inch service	\$4.70	\$4.90	\$5.00	\$5.00	\$5.00
1.25 to 1.5-inch	\$9.40	\$9.80	\$10.00	\$10.00	\$10.00
2-inch service	\$15.04	\$15.68	\$16.00	\$16.00	\$16.00
3-inch service	\$30.96	\$32.28	\$33.00	\$33.00	\$33.00
4-inch service	\$45.43	\$47.36	\$48.00	\$48.00	\$48.00
6-inch service	\$94.90	\$98.93	\$101.00	\$101.00	\$101.00

**Non-Resident Monthly Fixed Sewer Administration Charges**

	FY 2017	FY 2018	FY 2019	FY2020	FY2021
< 1-inch service	\$7.05	\$7.35	\$7.50	\$7.50	\$7.50
1.25 to 1.5-inch	\$14.10	\$14.70	\$15.00	\$15.00	\$15.00
2-inch service	\$22.56	\$23.52	\$24.00	\$24.00	\$24.00
3-inch service	\$46.44	\$48.42	\$50.00	\$50.00	\$50.00
4-inch service	\$68.15	\$71.04	\$72.00	\$72.00	\$72.00
6-inch service	\$142.35	\$148.40	\$151.00	\$151.00	\$151.00

However, no fixed charges shall be assessed for sewer administration if the water is shut off, voluntarily or involuntarily, for the period of time that the water is shut off.

**3. MONTHLY CAPITAL FEE.** In addition to the above fixed water and sewer administration fees, there shall be the following capital fee, based on the water usage rate established to be charged for each residential, commercial, industrial, and municipal user of the Village's waterworks service to be assessed against any user of the Village's waterworks system and/or the sewer service provided by the Rock River Water Reclamation District, through the IGA referenced above, to cover current and future capital improvements to the Village's waterworks system, and to help subsidize the Village's approximate \$11,500,000.00 debt incurred in conveying the Village's sewer collection system and treatment facility to the Rock River Water Reclamation District, such that the District, rather than the Village assumed responsibility for the same upon acquisition. This capital usage rate charge is to be calculated on actual usage, per 1,000 gallons, as stated below, based on whether the user is a Village resident or non-resident.

**Resident Capital Fee Usage Rates/1,000 gallons**

FY 2017	FY 2018	FY 2019	FY2020	FY2021
\$6.20	\$6.20	\$6.70	\$6.70	\$6.70

**Non-Resident Capital Fee Usage Rates/1,000 gallons**

FY 2017	FY 2018	FY 2019	FY2020	FY2021
\$9.30	\$9.30	\$10.05	\$10.05	\$10.05

For any user that is a user of Rock River Water Reclamation's sewer services only, the following rates shall apply, depending upon whether such user is a Village resident or non-resident, and with the calculation based on the rate in effect at the time of the respective billing for 6,000 gallons of water usage per month, as there is no practical way to measure only sewer usage:

**Resident Sewer User Only Sewer Capital Fee Usage Rates**

FY 2017	FY 2018	FY 2019	FY2020	FY2021
\$37.20	\$37.20	\$40.20	\$40.20	\$40.20

**Non-Resident Sewer User Only Sewer Capital Fee Usage Rates**

FY 2017	FY 2018	FY 2019	FY2020	FY2021
\$55.80	\$55.80	\$60.30	\$60.30	\$60.30

**D. LATE PAYMENT PENALTY**

A service charge of 15% shall apply to any outstanding bill covered by this ordinance that is not paid in full by the 15th of a given month.

**SECTION II - RECORDING OF ORDINANCE**

A copy of this ordinance, properly certified by the Village Clerk, shall be filed in the office of the Recorder of deeds of Winnebago County, Illinois and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the Village's waterworks system and/or the services provided by the Rock River Water Reclamation District through the aforesaid IGA between the District and the Village of Winnebago on the user's respective property.

**SECTION III- EFFECT ON PRIOR ORDINANCES**

All ordinances and/or parts of ordinances previously passed and approved that are in conflict with the provisions of the instant ordinance are repealed insofar as they conflict with this ordinance.

**SECTION IV- EFFECTIVE DATE OF ORDINANCE**

This ordinance shall be in full force and effect upon its passage, approval, publication, and recording, as provided by law, and rates for services and fees described herein shall be applicable on bills mailed out on February 1, 2017, covering the time period of December 30, 2016 through January 30, 2017.

**APPROVED:**

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Franklin J. Eubank ,Jr. President of the  
Board of Trustees of the Village of Winnebago, Illinois

ATTEST:

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

RECORDED: \_\_\_\_\_