

VILLAGE OF BRADLEY

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ORDINANCE NO. **O-07-23-01**

AN ORDINANCE AMENDING CHAPTERS 18 & 54 OF THE BRADLEY VILLAGE CODE  
REGARDING SEWER CHARGES

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 10<sup>th</sup> DAY OF July, 2023

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**ORDINANCE NO. O-07-23-02**

**AN ORDINANCE AMENDING CHAPTERS 18 & 54 OF THE BRADLEY VILLAGE CODE  
REGARDING SEWER CHARGES**

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**WHEREAS**, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, pursuant to 65 ILCS 5/11-117-1, the Corporate Authorities of the Village have the authority to own and operate municipal utilities, including but not limited to a municipal sewer system; and

**WHEREAS**, the Village has exercised its authority to own and operate a municipal sewer system and currently provides municipal sewer services to its residents; and

**WHEREAS**, the Corporate Authorities of the Village have the authority to fix the rates and charges associated with the use of said municipal sewer system.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** That Chapter 54 (Utilities), Article III (Sewer Service), Division 5 (User Charge System, Rates and Additional Charges), Section 54-204 (Charges to be imposed) is hereby modified and replaced with the following:

**Sec. 54-204. - Charges to be imposed.**

- (a) Pursuant to the Federal Sewage and Sewage Treatment Act, as amended, federal rules, regulations and guidelines promulgated pursuant to such act, and pursuant to section 46 of the Illinois Environmental Protection Act, 415 ILCS 5/46, there is hereby imposed and levied upon all users of the village treatment works such charges as are fixed in this division to be utilized by the village to pay for the treatment works operation, maintenance, replacement, and debt service costs.
- (b) A Usage Fee shall be charged to all Users that discharge wastewater to the village treatment works to cover each User's proportionate share of the village's operational costs associated with the village treatment works.

- (c) A Capital Maintenance and Replacement Fee shall further be charged to all Users that discharge wastewater to the village treatment works to cover each User's proportionate share of the village's maintenance, replacement, and debt service costs, as the case may be.
- (d) The User Charge for each User of the village's treatment works shall be a monthly charge levied by the village that is equal to the sum of the applicable Usage Fee (the base Usage Fee rate per 1000 gallons times the user's billable flow) plus the Capital Maintenance and Replacement Fee.
- (e) All users of the village's treatment works not having a water meter or other acceptable device for determining billable flow shall be subject to a fixed user charge in an amount determined by the village to be equal to those charges imposed on users having similar water use and wastewater characteristics. The village, at the direction and discretion of the superintendent, may require a user receiving all or part of his water from a private well or other source not metered by the village or other public or private supplier of potable water to install at the user's expense an appropriate metering device for the purpose of determining billable flow.

**SECTION 3.** That Chapter 54 (Utilities), Article III (Sewer Service), Division 5 (User Charge System, Rates and Additional Charges), Section 54-205 (User Charge Rates) is hereby modified and replaced with the following:

**Sec. 54-205. - User charge rates.**

- (a) The following User Charge Rates are hereby established and shall be charged each and every user connected to the village treatment works:
  - (1) **Usage Fee:** A Usage Fee shall be charged to all users who discharge wastewater to the village treatment works and shall be charged at the following rate per 1000 gallons of billable flow: As of July 1, 2023 \$5.41 per rate of 1,000 gallons.
  - (2) **Capital Maintenance and Replacement Fee:** A Capital Maintenance and Replacement Fee shall be charged to all users who discharge wastewater to the village treatment works and shall be at the rate of \$14.00 per month as of July 1, 2023.
- (b) The user charge for all domestic village treatment works users not having a water meter shall be the median charges (Usage Fee+ Capital Maintenance and Replacement Fee) for all other residential users.
- (c) Every May 1, water consumed during the previous billing period shall be computed based on the monthly average from the previous period of months from and including the previous November through and including the previous April. All User Charges shall be based on monthly usage; however. The monthly usage shall be determined to be the average figure as computed in this section.

**SECTION 4.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 5.** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 6.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 7.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** by the Village Board on a roll call vote on the 10<sup>th</sup> day of July, 2023.

**TRUSTEES:**

RYAN LEBRAN	Aye - <u>  /  </u>	Nay - <u>      </u>	Absent - <u>      </u>
BRIAN BILLINGSLEY	Aye - <u>  /  </u>	Nay - <u>      </u>	Absent - <u>      </u>
DARREN WESTPHAL	Aye - <u>  /  </u>	Nay - <u>      </u>	Absent - <u>      </u>
BRIAN TIERI	Aye - <u>  /  </u>	Nay - <u>      </u>	Absent - <u>      </u>
GRANT VANDENHOUT	Aye - <u>  /  </u>	Nay - <u>      </u>	Absent - <u>      </u>
GENE JORDAN	Aye - <u>  /  </u>	Nay - <u>      </u>	Absent - <u>      </u>

**VILLAGE PRESIDENT:**

MICHAEL WATSON                      Non-Voting -   /      Voting -        (Aye, Nay, Abstain)

**TOTALS:**                              Aye -   6      Nay -   1      Absent -   1  

**ATTEST:**

  
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JULIE TAMBLING, VILLAGE CLERK (Deputy) Khamseo Nelson

**APPROVED** this 10<sup>th</sup> day of July, 2023.

  
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MICHAEL WATSON, VILLAGE PRESIDENT

**ATTEST:**

  
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JULIE TAMBLING, VILLAGE CLERK (Deputy) Khamseo Nelson

STATE OF ILLINOIS            )  
  )  
COUNTY OF KANKAKEE        )        SS

**CLERK’S CERTIFICATE**

I, Julie Tambling, certify that I am the duly appointed and acting Clerk of the Village of Bradley, County of Kankakee, State of Illinois, and I do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance titled: “AN ORDINANCE AMENDING CHAPTERS 18 & 54 OF THE BRADLEY VILLAGE CODE REGARDING SEWER CHARGES” which Ordinance was duly adopted and passed by the Board of Trustees of the Village of Bradley (or the Corporate Authorities, if required by law) at a meeting held on the 10<sup>th</sup> day of July 2023, approved by the Village President on the 10<sup>th</sup> day of July 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 meeting was held in compliance with all requirements of the Open Meetings Act (5 ILCS 120/1, *et seq.*).

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of July 2023.



Julie Tambling, Village Clerk (Deputy) Khamseo Nelson  
Village of Bradley



