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**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 2017 - O - 012**

**SEWER TAX - ADJUSTED**

**AN ORDINANCE ADJUSTING THE VILLAGE'S SEWER RATES  
IN ORDER TO FACILITATE A LOAN WITH THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

**AND**

**AN ORDINANCE AMENDING CHAPTER 86 – TAXATION,  
ARTICLE XII – SEWER USE AND SERVICES TAX, SECTION, 86-  
423 – TAX RATE, OF THE CODE OF ORDINANCES, VILLAGE OF  
BURNHAM, ILLINOIS**

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**WHEREAS**, the Village of Burnham, Cook County, Illinois, (the "Village") has elected by Referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village 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 public health, safety, morals, and welfare, to license, to tax, and to incur debt; and

**WHEREAS**, the Corporate Authorities of the Village of Burnham, deem it advisable and in the best interests of the residents of the Village of Burnham, to provide for capital improvements and maintenance of the sewer system and retire any deficits in the water account, by enacting a surtax; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham (the Corporate Authorities) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the public sewer system; and

**WHEREAS**, in order to maintain and make capital improvements to the sewer system, the Village has to adjust its sewer rates in order to provide a revenue stream for capital improvements and maintenance; and

**WHEREAS**, the current revenue of the sewer system will not support said capital improvements; and

**WHEREAS**, the current revenue of the combined water and sewer systems will not support a reduction in the deficit in the water fund; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham (the Corporate Authorities) have determined that it is advisable, necessary, and in the best interests of the public health, safety, and welfare to enact a surtax for water and sewer maintenance, capital improvements, and deficit debt reduction on every consumer or user of the water and sewer systems of the Village of Burnham; and

**WHEREAS**, the Corporate Authorities of the Village deem it advisable and is in the best interest of the Village to increase the amount of the sewer use and service tax imposed upon every user of the sewerage system of the Village of Burnham.

BE IT ORDAINED by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**Section 1. INCORPORATION OF PREAMBLES**

**THAT**, the Corporate Authorities of the Village hereby find that all of the recitals contained in the preambles of this Ordinance are true, correct and complete and do hereby incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section.

**Section 2. TAX RATE**

**THAT**, Section 86-423 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

**Sec. 86-423. Tax rate. Effective January 1<sup>st</sup>, 2018.**

The tax rate for the use and service of the sewer system of the Village shall be paid as follows:

That commencing with January 1<sup>st</sup>, 2018, the tax rate will be:

- (1) Rate. \$1.00 per 1000 gallons for all consumers connected to the Village sewer system except as provided otherwise herein. All such consumers shall pay for a minimum of 3000 gallons per billing period, except as provided otherwise herein.
- (2) Estimated read. If no one is present in the premises at the time the water meter reader makes his regular call, the Village Clerk shall issue a monthly bill that is three (3) times the minimum bill of the three thousand (3000) gallons (i.e. nine thousand gallons - 9000 gallons - per billing period) until such time there is an accurate meter reading or a remote water meter is installed and working properly on the premises.

If the estimated bill remains unpaid for thirty (30) days after its issuance, it shall become final and not adjusted by an actual reading of the water meter by Village

employees. Any estimated bill may be adjusted by an actual reading of the water meter within thirty (30) days of the estimated bill issuance.

- (3) Automatic sewer rate increase. Repealed.
- (4) The tax described in subsection (a) of this section is to be for sewer usage and service for each period of one month or fraction thereof for each individual sewer user or consumer.
- (5) Those users furnished with sewer service only and not connected with or supplied with water from the Village water supply system shall pay a monthly sewer use and service tax based upon a calculated estimate of the volume of use made by the Village President or Board of Trustees or the Village Engineer or by such officer as may be designated by the president and board of trustees.
- (6) Where an individual sewer services a number of residential dwelling units, multi-unit apartment buildings, commercial properties, stores, businesses, or other properties, such as mobile home trailers, the tax rate of \$1.00 per one thousand gallons, or fraction thereof, for each such property shall be multiplied by the number of units on said property for any period of one month. However, there shall be a minimum charge of 3000 gallons usage times the number of units in said building, (i.e. 4 units x 3000 gallons = 12,000 gallons minimum usage = \$12.00 minimum tax amount).
- (7) The president and board of trustees are hereby authorized to fix the sewer use and service tax for manufacturing plants and other large commercial users of the Village sewer system within the corporate limits of the Village and such users shall be billed monthly for their sewer usage.

- (8) Where a single sewer services a number of individuals, dwelling units, multi-unit apartment building, stores, businesses, or other separate occupancies in one building, each owner, occupant and/or manager of such building, structure, or premises upon request of the Village shall provide and advise the Village of the number of individuals, dwelling units, apartment units, stores, businesses or other separate occupancies in each building, structure, or premises in the Village.

**Section 3. RECORDING WITH RECORDER OF DEEDS**

A copy of this Ordinance, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Cook County, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the sewer system of said Village on their properties, and it shall be the duty of the Village Clerk and such other officers of the Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

**Section 4. REPEALER OF CONFLICTING ORDINANCES**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 5. SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or the application thereto any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance or the application of

such portion to other persons or circumstances, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion.

**Section 6. EFFECTIVE UPON PASSAGE**

This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**Section 7. LEGISLATIVE ACT OF HOME RULE MUNICIPALITY**

This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois, that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.


**Section 8. PUBLISHED IN PAMPHLET FORM**

This Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.


**PASSED** By the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 28th day of December, 2017.

**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Denise Bonner	<u>          </u>	<u>  X  </u>	<u>          </u>	<u>          </u>
Trustee Graciela Garcia	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Brenda Greer	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Carmella Richardson	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Travis Claybrooks	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

  
ROBERT E. POLK  
Village President (Mayor)


ATTEST:

  
LUS E. CHAVEZ  
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees  
of the Village of Burnham, Cook County, Illinois on this 28th day of December, 2017.

ATTEST:

  
LUS E. CHAVEZ, VILLAGE CLERK  
(SEAL)