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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 929

**AN ORDINANCE AMENDING AND ADDING CERTAIN
SECTIONS TO AN ORDINANCE ESTABLISHING CHARGES AND
REGULATIONS FOR THE PROVISION OF WATER AND SEWER
SERVICE WITHIN THE VILLAGE OF MELROSE PARK,
COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 8TH DAY OF AUGUST 2005

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 9TH day of AUGUST 2005**

ORDINANCE NO. 929

AN ORDINANCE AMENDING AND ADDING CERTAIN SECTIONS TO AN ORDINANCE ESTABLISHING CHARGES AND REGULATIONS FOR THE PROVISION OF WATER AND SEWER SERVICE WITHIN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (“the Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, Section 5/11-139-8 of the Illinois Municipal Code (65 ILCS 5/11-139-8) authorizes municipalities operating combined waterworks and sewage systems to establish, revise, and maintain rates as compensation for the use and operation of the combined waterworks and sewage systems; and

WHEREAS, on March 9, 1998, the President and Board of Trustees of the Village of Melrose Park passed and approved Ordinance No. 338, entitled “An Ordinance

Establishing Charges and Regulations for the Provision of Water and Sewer Service Within the Village of Melrose Park, Cook County, Illinois” (the “Water Rate Ordinance”); and

WHEREAS, on April 27, 1998, the Village’s President and Board of Trustees passed and approved Ordinance No. 342, which amended the Water Rate Ordinance by adding, among other provisions, Section 16.07, which provided in part that “[t]he water service rate charges shall be revised periodically to reflect a change in local capital costs or operations, maintenance, and reserve costs”; and

WHEREAS, it is necessary to revise certain sections of the Water Rate Ordinance, as more fully set forth herein, in order to meet the costs associated with the maintenance and operation of the Village’s waterworks and sewage system and to update said Ordinance;

WHEREAS, it is in the Village’s best interests to amend the Water Rate Ordinance, as set forth below;

NOW, THEREFORE BE IT ORDAINED, by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County, Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation of Preambles.

The preambles to this Ordinance are found to be true and correct, and are incorporated into this Ordinance as if set forth in full and are adopted as part of this Ordinance.

Section 02.00 Purpose.

The purpose of this Ordinance is to amend “An Ordinance Establishing Charges and Regulations for the Provision of Water and Sewer Service Within the Village of Melrose Park, County of Cook, State of Illinois” (the “Water Rate Ordinance”).

Section 03.00 Invocation of Authority.

This ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois, the common law, and the Illinois Compiled Statutes.

Section 04.00 State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05-09.00 Reserved.

**ARTICLE II.
ADDITION TO WATER RATE ORDINANCE**

Section 10.00 Residential Dwelling-Four or More Units.

Section 16.00 “Rates” of the Water Rate Ordinance is hereby amended by the addition of Section 16.07 “Rates- Residential Dwelling- Four or More Units,” which shall read as follows:

“The following rates for the provision of water and sewer service to residential dwellings with four or more units, are hereby established:

\$3.26 for each one hundred (100) cubic feet of water transmitted to a such a customer, based upon meter readings, from September 10, 2005 through and including December 31, 2005, or until such later date as the Village’s Corporate Authorities amend the charge imposed by this Section.”

Section 10.01 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any documents required to be delivered in connection with the change orders.

**ARTICLE III
AMENDMENTS TO WATER RATE ORDINANCE**

Section 11.00 Commercial, Industrial or Institutional Rate Amendment.

Section 16.01(d) "Rates to Commercial, Industrial or Institutional Customers" of the Water Rate Ordinance is amended to delete that provision in its entirety and substitute the following in lieu of it:

"\$6.93 for each one hundred (100) cubic feet of water transmitted to such a customer, based upon meter readings, from September 1, 2005 through and including December 31, 2005, or until such later date as the Village's Corporate Authorities amend the charge imposed by this Section."

Section 11.01 Minimum Charges Amendment.

Section 16.05 "Minimum Charges" of the Water Rate Ordinance is amended to delete that provision in its entirety and substitute the following in lieu of it:

"During each billing cycle, each Commercial, Industrial or Institutional Customer shall pay a \$69.31 minimum charge to the Village for water and sewer service. During each billing cycle, each Residential Customer shall pay a \$18.00 per dwelling unit minimum charge to the Village for water and sewer service. During each billing cycle, each customer with a

residential dwelling possessing four or more units shall pay a \$26.10 per dwelling unit minimum charge to the Village for water and sewer service. During each billing cycle, each Senior Citizen Customer shall pay a \$14.35 minimum charge to the Village for water and sewer service.”

Section 11.02 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any documents required to be delivered in connection with the change orders.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 12.00 Headings.

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 13.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to

be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 14.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 15.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 16.00 Effective date

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Klein, Trustee Lomeli,
Trustee Mota, Trustee Prignano

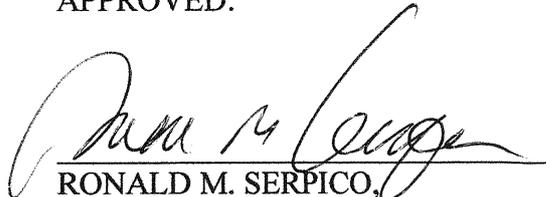
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
EIGHTH DAY OF AUGUST, 2005 A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: August 8, 2005
Published in pamphlet form: August 9, 2005