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

ORDINANCE NO. 1126

**AN ORDINANCE AMENDING ORDINANCE 1010 "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 26TH DAY OF NOVEMBER 2007

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

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI**

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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 27TH day of NOVEMBER 2007**

ORDINANCE NO. 1126

AN ORDINANCE AMENDING ORDINANCE 1010 “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” FOR 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 “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas “T.K.” Klein, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, on March 9, 1998, the President and Village Board (collectively, the “Corporate Authorities”) 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”, which has been codified under Chapter 13.04 of the Village of Melrose Park Municipal Code (the “Water Rate Ordinance”); and

WHEREAS, on August 8, 2005, the Village Board adopted Ordinance No. 929, entitled, “An Ordinance Amending and Adding Certain Sections to An Ordinance Establishing Charges

and Regulations for the Provision of Water and Sewer within the Village of Melrose Park, County of Cook, State of Illinois” (“Ordinance 929”); and

WHEREAS, Section 11.01 of Ordinance 929 amended the Water Rate Ordinance, entitled “Minimum Charges,” by establishing minimum water and sewer rates, per billing cycle, for commercial, industrial and/or institutional customers; and

WHEREAS, the Corporate Authorities previously adopted Ordinance No. 1010, entitled, “An Ordinance Amending Ordinance 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” for the Village of Melrose Park, County of Cook, State of Illinois”(“Ordinance 1010”) which amended the minimum water and sewer rates, per billing cycle, for commercial, industrial and/or institutional customers; and

WHEREAS, after due investigation, inquiry and consideration by, among others, the Corporate Authorities, the same are of the opinion that the minimum water and sewer rates, per billing cycle, for commercial, industrial and/or institutional customers requires further amendment as set forth herein; and

WHEREAS, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Village; and

WHEREAS, based upon the above findings and recommendations, the Corporate Authorities have determined that it is necessary, advisable and in the best interest of the Village and its residents to amend minimum water and sewer rates, per billing cycle, for commercial, industrial and/or institutional customers; and

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend the minimum water and sewer rates, per billing cycle, for commercial, industrial and/or institutional customers.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the police powers and authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. 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. Reserved.

**ARTICLE II.
AMENDMENTS.**

Section 10.00 Amendment to Section 10.00 of Ordinance 1010.

Section 10.00 of Ordinance 1010 is hereby amended by deleting said section in its entirety with regard to minimum charges for commercial, industrial or institutional customers.

Section 10.01 Amendment to Sections 10.00, 11.00 and 11.01 of Ordinance 929.

Sections 10.00, 11.00 and 11.01 of Ordinance 929 are hereby amended by deleting said sections in their entirety.

Section 10.02 Amendment to Section 13.04.120 of the Village of Melrose Park Municipal Code, “Rates—Commercial, industrial or institutional customers.”

Section 13.04.120 of the Village of Melrose Park Municipal Code, entitled “Rates—Commercial, industrial or institutional customers” is hereby amended by deleting said section in its entirety excepting the title and in lieu thereof inserting the following:

“The following rates for the Village’s provision of water and sewer service to a commercial, industrial or institutional customer are hereby established as follows: Seven dollars and ninety-seven cents (\$7.97) for each one hundred (100) cubic feet of water transmitted to such customer, based upon meter readings, from the effective date of the ordinance codified in this Chapter, and remaining as such until such later date as the Village’s Corporate Authorities amend the charge imposed by this Section.”

Section 10.03 Amendment to Section 13.04.130 of the Village of Melrose Park Municipal Code, “Rates—Residential customers.”

Section 13.04.130 of the Village of Melrose Park Municipal Code, entitled “Rates—Residential customers” is hereby amended by deleting said section in its entirety excepting the title and in lieu thereof inserting the following:

“The following rates for the Village’s provision of water and sewer service to a residential customer are hereby established as follows:

A. Residential Customer (Less than Four). For each residential customer possessing less than four (4) residential dwelling units on a single parcel, the amount of Two dollars and fifty-nine cents (\$2.59) for each one hundred (100) cubic feet of water transmitted to such customer, based upon meter readings, from the effective date of the ordinance codified in this Chapter, and remaining as such until such later date as the Village’s Corporate Authorities amend the charge imposed by this Section;

B. Residential Customer (Four or More.) For each residential customer possessing four (4) or more residential dwelling units on a single parcel, the amount of Three dollars and seventy-five cents (\$3.75) for each one hundred (100) cubic feet of water transmitted to such customer, based upon meter readings, from the effective date of the ordinance codified in this Chapter, and remaining as such until such later date as the Village's Corporate Authorities amend the charge imposed by this Section."

Section 10.04 Amendment to Section 13.04.160 of the Village of Melrose Park Municipal Code, "Minimum charges."

Section 13.04.160 of the Village of Melrose Park Municipal Code, entitled "Minimum charges" is hereby amended by deleting the first two sentences of said section regarding commercial, industrial, institutional and/or residential customers, and in lieu thereof, replacing such with the following language:

"During each billing cycle, each Commercial, Industrial and/or Institutional Customer shall pay the Village a minimum per Unit service charge of Seventy-Nine dollars and seventy cents (\$79.70) for providing water and sewer service to each Unit. During each billing cycle, each Residential Customer possessing less than four (4) residential dwelling Units on a single parcel shall pay the Village a minimum per dwelling Unit service charge of Twenty dollars and seventy cents (\$20.70) for providing water and sewer service to each Unit. During each billing cycle, each Residential Customer possessing four (4) or more residential dwelling Units on a single parcel shall pay the Village a minimum per residential dwelling Unit service charge of Twenty-Nine dollars and ninety-nine cents (\$29.99) for providing water and sewer service to each Unit...."

Section 10.05 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 and all documents required to be delivered in connection with this Ordinance.

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

Section 11.00 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 provision of this Ordinance.

Section 12.00 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 Village Board that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section or part thereof not been included.

Section 13.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, specifically Ordinance 929 and Ordinance 1010, are to the extent of such conflict hereby superseded.

Section 14.00 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 15.00 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 Italia, Trustee Klein,
Trustee Mota, Trustee Taconi

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Prignano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-SIXTH
DAY OF NOVEMBER, 2007, A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 26, 2007
Published in pamphlet form on November 27, 2007