

**ORDINANCE NO. 293**

**AN ORDINANCE UPDATING THE WATER SERVICE REGULATIONS AND CHARGES FOR THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS**

**Recitals**

- A. On August 4, 1969, the Board of Trustees for the Village of Varna (the "Village") adopted Ordinance Number 81 entitled, "Establishing the Charges, Rates and Regulations for the Operation of the Use and Service of a Waterworks System in the Village of Varna, Illinois."
- B. From time to time, the Village's Board of Trustees has amended the rates and charges for water service; with the most recent amendment adopted on February 3, 2025, when the Village's Board of Trustees passed Ordinance Number 290 entitled, "An Ordinance Amending the Rates and Charges for the Use and Service of the Waterworks System of the Village of Varna, Marshall County, Illinois."
- C. From time to time, the Village's Board of Trustees has updated its Waterworks regulations, with the most recent amendment adopted on October 2, 2023, when the Village's Board of Trustees passed Ordinance Number 272 entitled, "An Ordinance Restating and Amending the Village's Water Regulations for the Village of Varna, Marshall County, Illinois."
- D. The Village's Board of Trustees finds it necessary and appropriate to update its water service regulations and charges as shown by redline changes set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS, AS FOLLOWS HEREIN.**

**SECTION 1: INCORPORATION OF RECITALS.** The findings contained in the Recitals to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2: WATER SERVICE REGULATIONS**

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# WATER SERVICE REGULATIONS

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## 1. RATES & CHARGES

### (A) Non-Metered Water Service.

The minimum monthly charge for non-metered water service within the Village limits is \$45.00 and this charge shall not be prorated.

The minimum monthly charge for non-metered water service outside the Village limits is \$47.00 and this charge shall not be prorated.

Effective May 1, 2026 and May 1 of each year thereafter, the minimum monthly charge shall increase by three percent (3%) annually.

(B) Metered Water Service. The charges for metered residential and commercial water service are as follows. The base rate is the minimum monthly charge and shall not be prorated.

		In Village	Outside of Village
(1)	Base rate (0 to 1,000 gallons): Effective May 1, 2026 and May 1 of each year thereafter, the minimum monthly charge shall increase by three percent (3%) annually	\$ 87.00	\$
(2)	Usage charge per cubic foot above 1,000 gallons	\$ .0050491	\$

(C) Operation & Maintenance Surcharge for all system users. Reserved.

(D) Debt Service Surcharge for all system users. Reserved.

(E) Water Connection Charges.

Residential Users: \$175.00

All Other Users: \$250.00

Non-Residential users must have a water meter and backflow system installed when the account is established.

(F) Late Fees – Service Disconnection. Water bill payments are due on the 30<sup>th</sup> day of each month; for February, payments are due on the last day of February. A service charge will be imposed upon delinquent water accounts in the amount of \$10.00 per month ~~for non-metered customers or \$25.00 for a metered customer.~~ An account is delinquent when it is not paid in full on or before 30<sup>th</sup> day of the month ~~or the last day of February~~ ~~the due date stated on the bill.~~ If the postmark on the payment is dated after the due date, the account shall be deemed

delinquent and a late fee applied. The late fee shall not be prorated. Accounts delinquent, in whole or in part, ~~15 for 60~~ days or more shall be subject to disconnection and charges for disconnection and reconnection of service shall apply. Upon written application by the account holder demonstrating mitigating circumstances, the Village Board may waive or reduce late fees and/or delay disconnection of water service.

(G) **Disconnection & Reconnection Charge.** The Village will charge a ~~\$50~~25.00 turn off fee and a ~~\$2550~~.00 turn on fee.

(H) **After Hours Service Calls.** A charge of \$200 or the cost actually incurred by the Village with a third-party contractor will be assessed for service calls after normal business hours. The charge shall be billed to the consumer's account and be due and payable on the next water bill.

## **2. MULTIPLE USERS AT A SINGLE LOCATION**

(A) **Non-metered Customers.** Each residential home, apartment, and private dwelling shall have an individual corporation stop and shall pay the base rate for water service.

(B) **Metered Customers.** All commercial operations must be equipped with a separate water meter even if located at the same premises.

(C) **Connections Between Different Services Prohibited.** When there are two (2) or more services on premises, the piping from each service must be kept separate, and no connection made from one to the other.

## **3. WATER CONNECTIONS REQUIRED**

(A) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right of way in which there is now located or could, by extension, be located a Village water main or line is hereby required at the owner's expense to install suitable water service facilities thereon and to connect such facilities directly with the Village water systems and mains.

(1) No water service shall be supplied to a trailer which contains less than 450 square feet nor to any trailer which is purchased or placed upon property for the purpose of renting same to individuals.

(2) No water service shall be supplied to storage containers.

(B) Applications for water service connections must be made in writing to the Village Clerk by the owner or agent of the property to be served. Such applications shall state official house number or numbers of the premises to be served, size of pipe required, and the approximate



location where such service shall enter the premises and shall include payment of the water connection fee.

- (C) The water line connected to the corporation stop must be copper all the way to the building. After entry into the building or structure, there must be a shut-off valve. After the shut-off valve, a meter yoke must be installed. The meter yoke will be furnished by the Village. The provisions of this subsection shall not apply to existing services in operation on August 4, 1969, but shall be complied with in the installation of any service lines after August 4, 1969.
- (D) If a meter is to be installed in a new or remodeled building or structure, the applicant must have no outstanding water bills, and if all charges for water previously furnished such applicant, and all other charges due for services furnished or to be furnished at such premises by the water have been paid, and if a suitable place is provided for the meter, then the Village shall cause a meter to be set and the water to be turned on to the stop inside the building or structure.
- (E) No person, either owner or tenant, who, in changing a residence from one location to any other location served by the Village's water service, shall be given water service until any and all delinquent water bills which are charged against the person at a former location shall have been paid in full. No water at a new location shall be turned on, and, if so, shall be turned off until payment of such delinquent water service at a former location is made.
- (F) In turning on water, the Village shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or for any other causes.

#### **4. PAYMENT OF BILLS; LIEN; FORECLOSURE**

- (A) All bills are due and payable on or before the 30<sup>th</sup> day of each month; for February, payments are due on the last day of February. the date set forth on the bill; in no date is stated, payment shall be due and payable on or before the fifteenth day of the month when said bill is rendered. Bills not paid in a timely manner shall be deemed delinquent.
- (B) A \$10.00 (ten dollar) late fee penalty will be added to a delinquent account.
- (C) If a delinquent account is not paid in full for by the 15<sup>th</sup> day of the following month, service will be terminated. Water service will not be reinstated until the past due charges, including all late fees, disconnection charge and reconnection charge are paid or a repayment agreement is signed by the account holder and the Village President. If an account holder defaults on an agreed upon payment plan, water service will be disconnected and service will not be reconnected until all amounts due, plus a \$75.00 for costs incurred by the Village related to the payment plan, are paid in full.
- (D) In addition to any other remedy provided herein for the enforcement or collection of any water bill or charge, all such rates or charges shall be a lien upon the premises and real estate and for which the same is used or supplied. Any such lien shall attach when the water bill



becomes delinquent and may be endorsed together with the costs and penalties by foreclosure in equity in any court having jurisdiction in the same manner and with like force and affects the foreclosure of all liens of mortgages and trust deeds.

## **5. ACCOUNTS; RESPONSIBILITY FOR PAYMENT**

- (A) Water service accounts shall be kept in the name of the owner of the property served, and only such owner shall be recognized as the consumer.
- (B) The owner of the premises served shall be held responsible for the payment of all water charges and all other proper charges in connection with water service to the premises, but payments will be accepted from a tenant if tendered by the tenant, but accepting payments from tenants shall not subsequently relieve the owner of the premises from the responsibility of paying water charges or other service charges when due.

## **6. REFUND OF PAYMENT**

No refunds or discounts on water rentals shall be made on account of the premises having been vacant or no water used, unless water has been shut off by the water and sewer department upon written request of the owner or consumer

## **7. METERS**

- (A) **Meters Can Be Required.** Any person or user of the Village water supply can at the discretion of the Village Board be metered at any time for any reason.
- (B) **Meters Required for Commercial Users.** All commercial users will be metered and the expense of the meter and installation thereof to the size of 1" (one inch) will be paid by the Village. If the user requires a meter larger than 1" (one inch), the user shall be required to pay the additional cost of the larger meter and the installation thereof.
- (C) **Access.** Meters shall be installed in a location that will be easily accessible.
- (D) **Owners to Protect Meters.**
  - (1) The owner or occupant of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, the owner or occupant shall give immediate notice to the Village. In all cases where meters are broken or damaged by negligence of owners or occupants of premises, or by freezing, hot water, or other injuries, except ordinary wear and tear, the necessary repairs to the meter shall be made by the Village and the cost of such repairs paid for by such owner or occupant, and in case payment thereof is neglected or refused, the water supply shall be turned off and shall not be turned on until full payment has been made, together with the disconnection and reconnection fees. Damaged



meters may be repaired by the Village without first giving notice thereof to the owner of premises served by such meter.

- (2) No one shall in any way interfere with the proper registration of a water meter, and no one except an authorized representative of the Village shall break a seal of a meter; provided, however, that the Village may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.
- (3) Wherever a water meter is installed on a water service in premises that is to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such premises shall give notice in writing to the Village Clerk to arrange for the removal of such meter, and free access to such meter must be provided at least 24 hours after notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given, and if the meter is covered or lost, the owner shall be required to pay for the same at the actual value.

**(E) Testing meters.**

- (1) In case there is doubt as to the accuracy of a water meter on the part of the consumer, the consumer may have the meter tested by the Village at which test the consumer may be present or have a representative present if desired. If the meter is found to measure more than 2% incorrectly, no charge shall be made for making the test. If the meter should be found to over-register more than 2% there shall be a proportional deduction made from the previous water bill. A water meter shall be considered to register satisfactorily when it registers within 2% of accuracy.
- (2) If upon investigation and testing of the meter, the consumer is dissatisfied with the bill as then rendered, the consumer may within five days after the investigated or corrected bill is rendered file with the Village Clerk, a complaint in writing, setting up the grounds of the complaint. At the next regularly scheduled meeting, the Board of Trustees shall pass on said bill and complaint, and the decision of a majority of said Board shall be final.
- (3) Penalty for nonpayment of bill in time required by this Ordinance shall attach unless decision is in favor of the consumer.

**(F) Access to Premises.** The Village and its employees and agents, including all water meter inspectors, shall be given ready access to the premises wherein water meters are located for the purpose of reading, examining, testing, repairing, and replacing such meters and fixtures. In the event the Village is not permitted to conduct any reading, examination, test, repair, or replacement it deems necessary or convenient to assure compliance with this Ordinance or other applicable governmental regulations, the Village shall have the right to terminate water service upon 48 hours' notice posted at the premises or the Village may request a court of competent jurisdiction to issue such administrative warrant or order as may be applicable, to fully inspect any building or premises to determine compliance with this and any other



ordinance or regulation and to assess attorney fees and court costs against the property owner.

- (G) **Access to Water Meter and Meter Reader.** The property owner shall not obstruct access to the water meter or any meter reader of any property served by the Village water supply. Property owners will be required to permanently remove any such obstructions within a reasonable period of time. If the obstruction is not removed as directed, the Village shall have the right to terminate water service upon 48 hours' notice posted at the premises.

## 8. CONTRACTORS' SERVICES

- (A) When a temporary service is desired by contractors and builders for water to be used on construction work, they shall make application to the Village Clerk and deposit with the Village, the sum of an amount needed for the meter and the cost of installation for a swing meter to be used on such services.
- (B) The charges for such water service shall be at the same rate as other services, including minimum monthly charges.
- (C) All swing meters shall be returned to the Village before November 1 of each year for reading and testing. A penalty of \$50 (fifty dollars) per day shall be charged for swing meters that are not returned as above specified.

## 9. UNNECESSARY WASTE

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. If unnecessary waste of water takes place, the Village reserves the right to cut off the supply. The Village reserves the right to prohibit the use of water for yard sprinklers, elevators, and large consumers of water when in the judgment of the Village it shall be necessary to do so.

## 10. DISCONNECTION AND DISCONTINUANCE OF USE

- (A) Owners or customer desiring to discontinue use of water shall give notice thereof in writing to the Village Clerk and arrange for the water to be turned off and the meter removed. ~~W~~Payment for water for services shall be made until water service is disconnected ~~is made~~. When water service is discontinued, all water charges for such service shall become due and payable. When water service is again desired after having been discontinued, a reconnection charge will be assessed.
- (B) Any existing residence, business, or other entity currently located outside the corporate limits of the Village being provided water service shall cause the disconnection point to be at the point of connection with the Village's main water line or in the event of more than one service on an existing line, then the point of disconnection shall be at the point of connection to the auxiliary line of service. The residence, business, or other entity owner shall be solely



responsible for any and all costs associated with the disconnection as aforesaid. The work to be performed shall be subject to the approval and direction of the Village and due notice shall be given to the Village before starting disconnection work. Any work which is completed in an unworkmanlike manner or interferes with the Village's water service shall be deemed in violation of this subsection and any costs incurred by the Village shall be assessed against the residence, business or other entity owner and shall cause a lien to be placed upon the applicable property.

## **11. FUTURE DEVELOPMENT**

In the event of a housing or subdivision or commercial or industrial development annexing to the Village, said housing or subdivision or commercial or industrial development will have installed approved mains of not less than 6" (six inches) inside diameter, and approved house installations or property installations according to Village specifications at which time annexation occurs, and all water mains, all pipes, corporation stops, *et cetera*, become the property of the Village at no cost to the Village. The Village will not at any time furnish more than 500 gallons per minute per subdivision, house, commercial, or industrial development.

## **12. PENALTY**

Any violation of this Ordinance shall be punishable by a fine of not less than \$75 nor more than \$750.

**SECTION 3: REPEALER.** All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict expressly repealed.

**SECTION 4: EFFECT ON PRE-EXISTING MATTERS.** This Ordinance does not affect prosecutions for violations committed prior to the effective date of this Ordinance and does not waive any fee or penalty due and unpaid on the effective date of this Ordinance.

**SECTION 5: SEVERABILITY.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

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**PASSED** at a meeting of the Village Board of the Village of Varna, Illinois on April 7, 2025, by roll call vote as follows:

Record of the Vote	Yes	No	Abstain	Absent
Chambers	X			
Rinaldo	X			
Kruse	X			
Marliere	X			
Meierkord	X			
Todd	X			

**APPROVED** April 7, 2025.

✓ Louis Holocker  
Louis Holocker, Village President

**PUBLISHED** in pamphlet form  
on April 8, 2025.

**Attest:**

✓ Wendy J. Todd  
Wendy Todd, Village Clerk

✓ Wendy J. Todd  
Wendy Todd, Village Clerk

STATE OF ILLINOIS )  
 ) ss  
COUNTY OF MARSHALL )

**CERTIFICATE OF MUNICIPAL CLERK**

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Varna, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the Corporate Authorities of the Village. I do further certify that the attached and foregoing is a true and correct copy of ORDINANCE NO. 293: AN ORDINANCE UPDATING THE WATER SERVICE REGULATIONS AND CHARGES FOR THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS, as passed by the Village Board of the Village of Varna, Illinois, at its meeting held on April 7, 2025, and as approved by the Village President on April 7, 2025.

**IN WITNESS WHEREOF**, I have hereunto affixed my official signature and the corporate seal of the Village of Varna, Illinois.

✓ Wendy J. Todd  
Wendy Todd, Village Clerk

(SEAL)