

ORDINANCE NO. 193

AS AMENDED

WHEATON SANITARY DISTRICT
DU PAGE COUNTY, ILLINOIS
ORDINANCE ESTABLISHING A USER CHARGE

Authority and General Purpose

This Ordinance is promulgated pursuant to the statutory authority contained in Section 306 of Chapter 42 of the Illinois Revised Statutes, and further pursuant to the Federal Water Pollution Control Act of 1972.

The purpose of this Ordinance is to establish a user charge system to pay for the operation, maintenance and replacement of the works of the District; to establish principles of application, classes of users, procedures, rate bases, manner of revenue collection, penalties for refusal to pay and procedures for disconnection in the event of non-payment.

Preamble

WHEREAS, operation, maintenance and replacement costs are incurred by the Sanitary District for collection, conveyance, treatment and disposal of wastewaters from various classifications of users connected to the District system or to sewers connected therewith; and

WHEREAS, said costs result from, but are not necessarily limited to labor, utilities, administrative, chemical, supplies, depreciation and equipment replacement requirements connected with the operation of District owned sewers, pumping stations and multiple treatment facilities; and

WHEREAS, present District revenues for such expenses are derived from ad valorem taxes levied and collected upon the assessed value of real and personal property within the

territorial limits of the District, the aggregate amount of which is levied at a rate established by the State Legislature; and

WHEREAS, the Federal Regulations in the case of sewage treatment plant grant assistance awarded after March 1, 1973, an approvable plan and schedule of implementation must be developed for a system of user charges to assure that each recipient of waste treatment services within the applicant's service area will pay its proportionate share of the costs of operation and maintenance, including replacement; and

WHEREAS, it has been determined that ad valorem taxes may not be collected for the purpose of deferring the costs of operation, maintenance and replacement of the works of the system; and

WHEREAS, because the Sanitary District has accepted a Federal grant subject to these provisions, a user charge system for all users must be implemented; and

WHEREAS, the Board of Trustees has authorized and directed its engineer, staff and attorney to make the necessary analyses to determine the various classes of users and the bases for annually determining the user charge applicable to the users in each of the various classes; and

WHEREAS, for the purposes of this Ordinance only, users are to be classified generally as industrial users and non-industrial users with the non-industrial user class further divided into residential, commercial and governmental/institutional users; and

WHEREAS, each year following a formal review and analysis of the funds expended by the District on operation, maintenance and replacement for the previous year, the District shall fix the basis for ascertaining user charges for the subsequent fiscal year; and

WHEREAS, the anticipated costs of such operation, maintenance and replacement shall include all expenditures to be incurred in:

- a. The General (Corporate) Fund, not including expenditures for capital improvements.
- b. The Chlorination Fund.
- c. The Illinois Municipal Retirement Fund.
- d. The Insurance Fund.
- e. The Audit Fund.
- f. Any other fund or funds established for operation purposes.

These anticipated costs shall not include the annual interest payment(s) on outstanding general obligation bonds, nor those sums necessary to defer the cost of principal payments for said outstanding general obligation bonds and such other sums necessary to defer the District's share of the Public Benefit Fund, as defined under Illinois Law; and

WHEREAS, it is required, in determining the proportion of each user's contribution to the total wastewater loading of the treatment works, to consider such factors as strength, volume and delivery flow rate characteristics to ensure a proportional distribution of the operation, maintenance and replacement costs to each user or user class; and

WHEREAS, in determining the actual distribution of the cost of operation, maintenance and replacement of the system, the most efficient means of determining the distribution among the several classes of users would be to install 7-day continuous recording flow meters and composite samplers in the building service line of each user to provide accurate information as to each user's contribution to the total wastewater loadings of the system; and

WHEREAS, to do so, since the most efficient method of obtaining results is not necessarily the most cost-effective manner of proceeding, the District has considered all manner of means of determining each user's contribution to the total wastewater loading, and has determined that inasmuch as the majority of users in the District's service area are connected to a public water supply system, and since the public water supply system has, as a constituent part in each building, a meter which registers the inflow of water from such public water system to such building, such water meter readings should be utilized to provide a basis for measurement of user contributions for non-industrial users, where available; and

WHEREAS, the usual occurrence is that the majority of the water flowing through such meter finds its way to the sanitary sewer system of the building and thence into the sanitary sewer system of or serviced by the District; and

WHEREAS, such means of measurement, where available, provides the most cost-effective basis of ascertaining the user's contribution to the system, notwithstanding the fact that all water registering on the meter does not necessarily flow into the sewer system; and

WHEREAS, the District has determined for each user class the approximate percentage of such water not returned to the sewer system, and, for purposes of administering a sewer system user charge, shall adjust metered water usage accordingly; and

WHEREAS, for industrial users, as defined, and certain commercial users, where the District is required to measure not only volume but strength and flow rate characteristics in order to ensure a proportional distribution of the operation, maintenance and replacement costs, the District has determined that such users must install a 7-day continuous recording flow meter and/or a composite sampler in a structure located on the building service line to enable the District to obtain exact information; and

WHEREAS, all residential buildings occupied by one family or less, which are on a private well system, shall be considered equal and subject to a flat rate estimate of water use, equal to the average residential consumption; and

WHEREAS, all other non-industrial buildings, which are on a private well system, shall be subject to a flat rate estimate of water use based upon the District's analysis of comparable structures with similar uses; and

WHEREAS, if such flat rate estimates are determined by the District to not adequately estimate the water use by any user, the District may require such user to install a private water meter; and

WHEREAS, the total waste flows arriving at the various treatment works of the District are in excess of the combination of water meter readings, waste flow meter readings and flat rate estimates of all District users due to the infiltration and inflow of other waters into the system; and

WHEREAS, it is necessary to utilize the combination of water meter readings, waste flow meter readings and flat rate estimates in addition to the number of connections to the system by each class to create a proportionate means of dividing among the several user classes, the total operation, maintenance and replacement costs attributable to such infiltration and inflow; and

WHEREAS, the user charges require annual review and revision to reflect actual treatment works operation, maintenance and replacement costs, and the proportional distribution thereof; and

WHEREAS, the District must maintain records to document compliance with the Federal requirements; and

WHEREAS, the Board of Trustees has directed the Attorney for the District to prepare this Ordinance reflecting the bases which the staff has determined in accordance with the

provisions of the Federal Act and the Act of the State of Illinois, under which the District operates,

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the WHEATON SANITARY DISTRICT, DuPage County, Illinois, as follows:

Section 1. Declaration of Policy It is hereby declared to be the policy of the District to adhere to the requirements and code of Title 40 – Protection of the Environment, Chapter 1 – Environmental Protection Agency, Sub-Chapter B – Grants, Part 35 – State and Local Assistance, Final Grant Regulations, Section 35.925.11 effective February 11, 1974, issued pursuant to the Federal Water Pollution Control Act Amendments of 1972. References to Section 35 hereinafter refer to the appropriate subsection of these Federal Regulations.

Section 2. Establishment of System From and after the 1976 Tax Levy Year, the District shall discontinue levying that portion of the ad valorem tax historically used for the operation, maintenance and replacement of the works of the system, and in lieu thereof shall assess to all users, in accordance with the provisions set forth below, a user charge. The funds received under the provision of this Ordinance shall be totally exempt from liability or from any charge or claim in the same manner as are ad valorem tax receipts received by the District. In the event that the Board of Trustees elects to submit a combined billing for the charges established hereunder, and the charges established under any other ordinances of the District, the charges collected under such other ordinances shall be deemed to be, and shall, for all purposes, be treated the same as if this Ordinance had not been enacted.

Section 3 Adoption of Staff Assumptions and Analyses The Board of Trustees, having duly considered the actions and analyses of its Engineer, Attorney, and Staff of the District in the preparation of this Ordinance, hereby adopts the Authority and General Purpose and Preamble of this Ordinance and such assumptions and analyses contained therein as a basis for the establishment of a method of procedure for the assessment and collection of a user charge pursuant to the Federal Regulations cited above.

Section 4. Establishment of a Method of Procedure From and after the 1976 Tax Levy Year, the Board of Trustees shall discontinue the statutory procedure under the Sanitary District Act of 1917 for appropriation, and levy, where applicable, of that portion of the ad valorem tax for the operation, maintenance and replacement of the works of the system. The Board shall continue under the applicable State of Illinois statutes to follow the appropriation and levy procedures for the revenues necessary for the retirement of general obligation bond principal and interest payments, public benefit funds, and for any other purpose provided by law not related to the operations, maintenance and replacement of the works of the system. Similarly, connection charges shall continue to be assessed in the manner provided for in the Ordinances of the District.

Section 5. Definitions The definitions set forth in sub-section 35.905 of the Federal Regulations quoted above are hereby incorporated herein, and to the extent necessary for the purposes of this Ordinance only the definitions of the District in its Ordinances, where applicable, are to be considered amended to be consistent with such definitions; “User Charge” for the purposes of this Ordinance shall be as defined in Section 35.905-26. It shall be deemed that there is no duplication of charges made hereunder or any charges made under any other Ordinances of the District which may coincidentally refer to the term “User Charge”. The charges assessed hereunder are specifically a substitute for that portion of ad valorem tax revenue previously used for operations, maintenance and replacement as provided by the Federal Regulations and the Comptroller General’s interpretation thereof.

The following definitions shall apply for this Ordinance:

- A. Industrial User – Shall mean all users as defined under Section 35.905-8, and in addition thereto, shall include those users whose flow rates bear characteristics which are abnormal from the standards set forth herein. Any user may be excluded from this industrial user class if it is determined that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

- B. Non-Industrial User – Shall mean all users not specifically defined as industrial users and further subdivided by premises use as follows:
1. Residential – Those premises consisting of any building or parts of buildings designed for or occupied by one or more persons as a single housekeeping unit, including such units within multi-family dwellings, flats and apartment buildings which discharge to the District’s system domestic wastes only.
 2. Commercial – Those premises consisting of any building or parts of buildings designed for or occupied by offices or business establishments operating for the purposes of purchase, sale, barter or exchange of goods, wares, merchandise, instruction or services for profit, including those establishments defined under industrial users which discharge to the District’s system primarily domestic wastes or wastes from sanitary conveniences.
 3. Governmental/Institutional – Those premises consisting of any building, parts of buildings or groups of buildings used or operated by Federal, State or Local Governmental or other public entities and all charitable, religious and educational institutions including hospitals, public and parochial schools (but not including private institutions operated for profit) and discharging to the District’s system primarily domestic wastes or wastes from sanitary conveniences.
- C. District – Shall mean the Wheaton Sanitary District and the Board of Trustees thereof, DuPage County, Illinois, and any referenced thereto within the District shall mean all territory within the perimeter of the District’s service and jurisdictional boundaries.
- D. Works of the system – Shall include interceptor sewers as defined in Section 35.905.12; sewage collection system as defined in Section 35.905.19; and treatment works as defined in Section 35.905.23.

- E. Operation – Shall mean all manner of activity necessary including labor, electrical power, fuel, chemical, supply and administrative requirements to properly conduct the functions of collection, conveyance, treatment and disposal of wastewaters generated within the District.
- F. Maintenance – Shall mean all manner of activity necessary including labor, supply contract repair work and administrative requirements to maintain the works, assets and property of the District for the purpose of insuring its continued and uninterrupted operation.
- G. Replacement – Shall mean the provision for and the installation of replacement equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- H. Useful or Service Life – Shall mean the period of time that a particular component of the works of the system can reasonably be expected to perform the function intended in its design before replacement or extensive rehabilitation is required.
- I. Depreciation – Shall mean the amortization of the original cost of personal property and real property over the anticipated useful life. Personal property shall mean items of moveable furniture, fixtures, and equipment. Real property refers to the building and appurtenances thereto including all items that become an integral part thereof. Real property also includes all items which remain at one location for their useful life.
- J. Normal Domestic Sewage – Shall mean all household-type wastes discharged from places of human habitation including sanitary convenience, kitchen and laundry wastes. Discharge waste strength shall be considered to average 200 mg/l BOD and 240 mg/l suspended solids at a discharge rate of 100 gallons per capita per day.
- K. BOD (denoting Biochemical Oxygen Demand) – Shall mean that amount of oxygen expressed in milligrams per liter utilized in five days at 20 degrees C. for biochemical oxidation of the organic matter present in wastewater and measured by acceptable methods defined in Title 40, Section 136 of the Federal Regulations.

- L. Suspended Solids – Shall mean filterable solids expressed in milligrams per liter, contained in wastewater and measured by acceptable methods defined in Title 40, Section 136 of the Federal Regulations.
- M. Public Water Meter – Shall mean the water meter installed within the water piping system of any building by a municipality as defined in Section 35.905.14 having jurisdiction over water supplies.
- N. Private Water Meter – Shall mean an existing water meter or a meter required to be installed by this Ordinance on any privately owned water supply.
- O. Water Meter Readings – Shall mean the monthly, quarterly or annual water meter readings provided by the municipality, utility or co-operative, or by the District obtained by reading the private water meter.
- P. Flat Rate Estimates – Shall mean the water estimated to be used, or to have been used, by a structure not equipped with a water meter. Such estimate shall be based upon the District’s analysis of comparable structures with similar uses and similar number of occupants.
- Q. Sampling Manhole – Shall mean a structure installed in the building service line accessible to District personnel and being capable of housing a flow meter and a composite 24-hour sampler. The construction of such a manhole shall be approved by the District.
- R. Flow Meter – Shall mean a fluid measuring device approved by the District capable of being installed in a sampling manhole and capable of registering continuous flow rates over a 7-day period.
- S. Composite 24-Hour Sampler – Shall mean a sampling device approved by the District capable of being installed in a sampling manhole and capable of taking flow proportioned wastewater samples over a continuous 24-hour period.
- T. Water Not Returned To System – Shall mean water used and measured but not discharged to the sanitary or combined sewer system such as water used for industrial cooling purposes with discharge to storm drainage or water lost through lawn sprinkling or garden use.
- U. Infiltration – Shall mean extraneous waters entering a sewer system as defined in Section 35.905.9.

- V. Inflow – Shall mean extraneous waters discharged into a sewer system as defined in Section 35.905.11.
- W. Sewer Use Ordinance – Shall mean the Ordinance passed by the District that regulates the use and construction of the works of the system not included in this Ordinance.
- X. Industrial Cost Recovery Ordinance – Shall mean the Ordinance passed by the District that provides for the recovery of capital costs incurred for industrial waste treatment at the District treatment facilities in accordance with Section 35.928.
- Y. User Charge Rate Ordinances – Shall mean the Ordinance passed and as amended from time to time by the District setting forth rates for applying the user charge.
- Z. Industrial Surveillance and Accounting Division – Shall mean that branch or department of the Sanitary District responsible for administering the user charge system, surcharge system and the industrial cost recovery system to all industrial users and certain commercial users.
- AA. Surcharge – Shall mean the additional cost over the normal charge for the treatment of wastewater containing pollutants in excess of the amounts found in Normal Domestic Sewage.

Section 6. Declaration of User Classifications For purposes of this Ordinance, users of the works of the system, as defined above, are hereby classified as follows:

- A. Industrial Users
- B. Residential Users
- C. Commercial Users
- D. Governmental/Institutional Users

Section 7. Anticipated Costs; Operation, Maintenance and Replacement

- A. Prior to the close of each fiscal year, the District, through its employees and staff, shall prepare an estimate of anticipated costs of operation, maintenance and replacement for the forthcoming fiscal year, specifically including replacement, renewals, and depreciation of real and personal property. Such estimate of

anticipated costs shall be prepared in accordance with and based upon generally accepted accounting principals.

- B. The estimate of anticipated costs shall be submitted to the Board of Trustees and shall be considered and amended if necessary and shall be adopted by the Board of Trustees for the subsequent year by Ordinance in a like manner as the Appropriation Ordinance is required to be enacted in accordance with Illinois law. The District shall continue to prepare the Budget and Appropriation and Levy Ordinances for all funds and expenditures not related to operation, maintenance and replacement in the manner provided under the Illinois Revised Statutes.

Section 8. Use Bases There shall be submitted to the Board of Trustees simultaneously with the estimate of anticipated costs, the individual components and summary total of the following parameters determined from data recorded during the previous fiscal year:

- A. The component quantities and totals of yearly water use obtained from public water meter readings and flat rate estimates for each user class.
- B. The component quantities and totals of the yearly water use obtained from private water meter readings for each user class.
- C. The yearly quantity of water not returned to system for each user class.
- D. The number (and percentage of total) connections to the works of the system by each user class.
- E. The yearly infiltration and inflow quantities received by the works of the system and processed through the wastewater treatment facilities.
- F. The “total waste discharged” to the works of the system (and percentage of total) for each user class obtained by adding the quantities (determined in (A) and (B) above) and deducting the amount (determined in (C) above).
- G. The distribution of infiltration and inflow quantities to each user class obtained by allocating one-half of the quantity (determined in (E) above) to each class based upon percentage of total connections (determined in (D) above) and the remaining one-half based upon the percentage of “total waste discharged” (determined in (F) above).

- H. The yearly total quantities of BOD and Suspended Solids received by the works of the system and processed through the wastewater treatment facilities.

Section 9. Declaration of Costs Not less than annually, the Board of Trustees shall determine and declare, for purposes of adopting or amending the User Charge Rate Ordinance, the following:

- A. The projected yearly cost of operation, maintenance and replacement of the proportion of the works of the system attributable to waste volume (flow).
- B. The projected yearly cost of operation, maintenance and replacement of the proportion of the works of the system attributable to BOD and Suspended Solids (strength).

Section 10. Declaration of Use

- A. Not less than annually, the Board of Trustees shall determine and declare for purposes of adopting or amending the User Charge Rate Ordinance, the “USE BASED ON VOLUME” (and percentage of total thereof) obtained by the addition of the total wastes discharged by each user class (determined in Section 8 (F) above) and the allocable infiltration and inflow for each user class (determined in Section 8 (G) above).
- B. Similarly, the Board of Trustees shall determine and declare the “USE BASED ON STRENGTH” (and percentage of total thereof) obtained by multiplying the yearly total quantities of BOD and Suspended Solids (determined in 8 (H) above) by the percentage of “total waste discharged” for each user class (determined in 8 (F) above).

Section 11. Declaration of Cost Distribution

- A. Not less than annually, the Board of Trustees shall determine and declare for purposes of adopting or amending the User Charge Rate Ordinance, the distribution of costs allocable to each user class obtained by multiplying the waste

- flow-related costs (determined in 9 (A) above) by the percentage of “USE BASED ON VOLUME” for each category (determined in 10 (A) above).
- B. Similarly, the Board of Trustees shall determine and declare the distribution of costs allocable to each user class obtained by multiplying the waste strength-related costs (determined in 9 (B) above) by the percentage of “USE BASED ON STRENGTH” for each category (determined in 10 (B) above).
- C. The sum of the costs obtained in (A) and (B) above shall constitute the “Total Operation, Maintenance and Replacement Cost” for each user class for the forthcoming fiscal year, and shall be declared as such by the Board of Trustees in the User Charge Rate Ordinance.

Section 12. User Rates-Unit Costs Not less than annually, the Board of Trustees shall further determine the user charge cost per unit of measurement applicable to each user within each user class as follows:

- A. The industrial user charge unit cost shall be calculated by dividing the yearly “total operation, maintenance and replacement costs” for the industrial user class (determined in 11 (C) above) by the “total waste discharged” for the industrial user class (determined in 8 (F) above) and shall be expressed in dollars per 1,000 gallons (\$/1,000 gal.) and dollars per 100 cubic feet (\$100 cu. ft.) of wastes discharged.
- B. The non-industrial user charge unit costs shall be calculated by dividing the yearly “total operation, maintenance and replacement costs” for each of the non-industrial user classes (determined in 11 (C) above) by the “total water used” for each respective non-industrial user class (the sum of 8 (A) and 8 (B) above) and shall be expressed in dollars per 1,000 gallons (\$/1,000 gal.) of water use.
- C. The charge levied on residential users not equipped with a public or private water meter shall be based on the total operation, maintenance and replacement cost for the residential class (determined in 11 (C) above) divided by the number of residential connections (determined in 8 (D) above).

- D. Application of the rates determined in (A), (B), and (C) above shall be based on the assumption that wastes discharged by an individual user within any user class have, as a minimum, the characteristics of normal domestic sewage (see Definitions, Section 5) thereby precluding “negative” or less than based charges for weak strength wastes.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as deemed necessary by the Sanitary District and shall be binding as a basis for surcharges. Surcharges shall be levied on those wastes which on the basis of the most recent samples, contain higher than normal concentrations of five-day BOD and/or suspended solids. The surcharge shall be levied on the next regular bill and shall continue to be levied until it is determined to the District’s satisfaction that the concentrations of the waste constituents do not, at any time, exceed normal concentrations. The District shall notify, in writing, all dischargers of waste which is subject to said surcharges. The calculations of said surcharges shall be based on the projected yearly cost of operation, maintenance and replacement costs attributable to BOD and suspended solids (determined in 9 (B) above), divided by the yearly total quantities of BOD and suspended solids received by the works of the system, (determined in 8 (H) above). The surcharges shall be levied on the quantity of BOD and/or suspended solids in excess of the quantity of these pollutants found in normal domestic sewage.

If the new rate or rates determined in (A), (B), (C), or (D) above are significantly different from the then current rate(s), the Board of Trustees shall amend the User Charge Rate Ordinance by rescinding the applicable current rate(s) and establishing the new rate(s).

Section 13. Industrial Surveillance and Account Division There is hereby created by this Ordinance a branch of the Wheaton Sanitary District to be known as the Industrial Surveillance and Accounting Division, responsible for the monitoring of all industrial users and certain commercial users of the District. This division shall administer to all industrial users all aspects of the User Charge System, the Surcharge System and the Industrial Cost Recovery System.

Under the provisions of this Ordinance and the application provisions contained within the Sewer Use Ordinance and the Industrial Cost Recovery Ordinance, this Division shall administer the District's right and responsibility to:

- A. Exclude certain industrial contaminants or wastes from the works of the system.
- B. Require industrial waste pretreatment where necessary.
- C. Contract with industries to control discharges limited by the District's National Pollutant Discharge Elimination System permit(s).
- D. Contract with industries to maintain discharge controls.
- E. Meter flows and measure strengths of industrial waste discharges.
- F. Verify industrial waste data furnished by industries.
- G. Contract with other wastewater treatment authorities for waste treatment service.

Authority is hereby granted to this Division to adopt from time to time administrative procedures and requirements, effective upon approval by the Board of Trustees, for implementing the various functions of the Division. These procedures and requirements shall be deemed to have the full force and effect as if they were specifically outlined in this Ordinance.

Section 14. Installation of Sampling Manholes, Flow Meters and Composite 24-Hour Samplers After the effective date of this Ordinance, each industrial user and certain commercial users, where required by the District's Industrial Surveillance and Accounting Division and within 180 days of notice by said Division, shall install a sampling manhole complete with flow meter and composite 24-hour sampler on each building service line so designated by said Division.

Section 15. Manner of Collection All user charges shall be payable in suitable periodic installments as may be deemed appropriate by the Board of Trustees and shall become a lien upon the lands within the District on and after the effective date of this Ordinance.

In case of default in the payment of any user charges, the District shall cause to be filed, within sixty (60) days after such user charges become due and payable, a Notice of Lien upon the real estate for which such service had been supplied, with the County Recorder of Deeds.

Such Notice of Lien shall state the name of the party to whom tax bills, for the property to which sewer service had been furnished, are sent according to the records in the DuPage

County Treasurer's Office, and the unpaid balance due for such defaulted user charges, and the legal description of the premises for which service had been supplied. The lien shall not be released until payment is made in full of all past due charges, including charges which may become past due subsequent to filing the lien, together with payment of twenty-five and no/100ths dollars (\$25.00), plus recording fees for filing of the lien, and the future release of the lien when the account is paid in full.

As soon as practicable after the enactment of this Ordinance and the User Charge Rate Ordinance, the District shall commence implementation of the billing procedure wherein publicly metered non-industrial users shall received periodic statements. The minimum charge levied on any user shall be based on a consumption of 266 cubic feet, or 2000 gallons per month.

Industrial users, certain commercial users, and all other users with private water meters or those users subject to flat rate estimates of water use, shall be billed periodically by the District's Industrial Surveillance and Accounting Division.

Each billing shall become due twenty-five (25) days after the billing date, with an additional charge of one and one-half percent (1-1/2%) per month, or part thereof, until paid, for any billing, or part thereof, not paid within twenty-five (25) days after the billing date. A past due notice, which shall include interest charges accrued on the account, shall be sent by First Class mail with the next regular billing following the past due date.

A charge of seven and no/100ths dollars (\$7.00) shall be added to any account which is attempted to be paid by a check or ACH Bank Debit subsequently returned due to having been drawn on an account with insufficient funds therein.

(Section 15 amended by Ordinance No. 264 – February 9, 1983)
(Section 15 amended by Ordinance No. 321 – December 13, 1989)
(Section 15 amended by Ordinance No. 348 – May 8, 1991)
(Section 15 amended by Ordinance No. 374 – April 21, 1993)
(Section 15 amended by Ordinance No. 450 – June 14, 2000)

Section 16. Termination Procedures It is hereby declared to be a policy of the Board of Trustees of the District that in the event that any person or other legal entity whose residence or other building is connected to sewers which are tributary to the works of the system and is delinquent in an amount in excess of Fifty and no/100ths Dollars (\$50.00) in the payment of the user charges, including lien charges, interest charges, other collection charges, and returned check or_ACH Debit charges, as assessed under this Ordinance of the District, shall be denied

continued use of the sanitary sewer system either by termination of the public water supply or by physical disconnection or plugging of the sewer system on the building.

The Board of Trustees hereby declares that it is against public policy for a building to be occupied by human inhabitants, which has been red-tagged by the Sanitary District after appropriate notice has been given that the building is "unfit for human occupancy". In the event of non-payment of user charges, either of the following procedures may be utilized by the District in terminating service to such user:

A. RESIDENCE OR BUILDING NOT SERVED BY CITY OF WHEATON WATER

1. In the event that the payment of user charges after having been billed in accordance with this Ordinance, remains unpaid forty five (45) days after the billing date, a Notice of Termination of sewer service, Attachment A, shall be served upon the occupants at the address of the building being served by the District by certified mail, or by personal service.

2. In the event that such user charge or any portion thereof, remains unpaid on the tenth (10th) day after service of the aforesaid Notice of Termination, a Final Termination Notice, Attachment B, shall be delivered to the premises and sewer service disconnected as soon thereafter as practicable.

3. In the event water service is disconnected under this section, a disconnection fee of One Hundred and no/100ths Dollars (\$100.00) and the District's cost in actually disconnecting the service shall be added to the account. The District shall also file a lien for the amount due as set forth in Section I to this Ordinance.

B. RESIDENCE OR BUILDING SERVED BY CITY OF WHEATON WATER

1. In the event that the payment of user charges after having been billed in accordance with this Ordinance, remains unpaid forty five (45) days thereafter, a Notice of Termination, Attachment C, shall be served upon the occupants at the address of the building being served by the District by certified mail, or by

personal service.

2. In the event that such user charge, or any portion thereof, remains unpaid on the tenth (10th) day after the posting of the aforesaid Notice of Termination, a Final Termination Notice, Attachment D, shall be delivered to the premises and the service disconnected as soon thereafter as practicable.

3. In the event water service is disconnected under this section, a disconnection fee of One Hundred and no/100ths Dollars (\$100.00) shall be added to the account. The District shall also file a lien for the amount due as set forth in Section I to this Ordinance.

C. MEDICAL EXEMPTION

A copy of the medical exemption rules in a form similar to Attachment E shall accompany each Notice of Termination of Water Service or Notice of Termination of Sewer Service.

D. DELIVERY OF NOTICES

Any Notice of Termination or Final Termination Notice required to be delivered under the above procedures shall be made as follows:

1. If by certified mail delivery, delivery shall be deemed to have been made three (3) days after date of deposit of the notice with the Wheaton Post Office as evidenced by the postmarked certified mail receipt. Refusal of delivery at the delivery address shall not invalidate the delivery date.

2. If by personal service, delivery shall be deemed to have been made by attaching the notice to the front door at the delivery address or by handing the notice to any occupant at the delivery address. Personnel making the delivery shall keep a log of delivery of notices. Said log shall indicate the address to which the notice was delivered; the method of delivery; the name of the person to whom delivered, if available; the date and time of delivery and the signature of the person making the delivery. The delivery log shall be returned to the administrative office by the close of business on the delivery date.

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF WHEATON, ILLINOIS
AND
THE WHEATON SANITARY DISTRICT
CONCERNING WATER SERVICE TERMINATION**

WHEREAS, the **WHEATON SANITARY DISTRICT** (“**DISTRICT**”) and the **CITY OF WHEATON, ILLINOIS** (“**CITY**”) are “public agencies” within the meaning of the Illinois Intergovernmental Cooperation Act 5 ILCS 220/1 Et. Seq.; and

WHEREAS, the **DISTRICT** and **CITY** are “units of local government” within the context of Section 10, Article VII, of the Illinois Constitution, 1970; and

WHEREAS, the **DISTRICT** and **CITY** are authorized to contract with each other to obtain or share services, or exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance; and

WHEREAS, the **DISTRICT** requests the **CITY** to discontinue water service to any premises within the **CITY’S** corporate boundaries upon notice from the **DISTRICT** that a rate or charge for sewerage service is delinquent and not resume water service until receiving notice from the **DISTRICT** that the rate or charge has been paid; and

WHEREAS, the **CITY** and **DISTRICT** desire to reduce, to writing, their cooperative agreement for termination of water service; and

WHEREAS, the **CITY** is an Illinois home rule municipality and the subject of this Intergovernmental Agreement pertains to the government and affairs of the **CITY**,

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING PREAMABLES and the covenants recited herein, the **CITY** and **DISTRICT** agree this 6th day of May, 1996 as follows:

1. **TERMINATION OF WATER SERVICE.** The **CITY** will terminate water service to a premises within the **CITY’S** corporate boundaries pursuant to the terms and conditions recited in this Intergovernmental Agreement.

2. **OBLIGATION OF DISTRICT.** In the event the **DISTRICT** asks the **CITY** to terminate water service to any premises within the **CITY’S** corporate boundaries, the following requirements shall be a condition precedent to the **CITY’S** termination of water service.

A. The **DISTRICT** shall notify the occupant of the premises, not less than ten (1) days prior to the proposed ate of termination, that water service will be

terminated. (A copy of the form of notice is attached to and incorporated in this Intergovernmental Agreement as Exhibit "A").

- B. One (1) day prior to the scheduled termination of water service the **DISTRICT** will post a termination notice at the premises notifying the occupant that water service will be terminated for non-payment of the **DISTRICT'S** user charge.
 - C. One (1) day prior to the termination of water service the **DISTRICT** will contact the **CITY** to establish a location for a **DISTRICT** employee to meet with a **CITY** employee for purposes of terminating water service at the premises.
 - D. One (1) day prior to the termination of water service the **DISTRICT** will deliver, to the **CITY**, by fax a list of the addresses/premises at which water service is to be terminated.
 - E. The **DISTRICT** will verify through the water billing department of the **CITY** that the person who is delinquent in paying the paying the **DISTRICT** sewer charge resides at the address/premises at which water service is to be terminated.
 - F. At the time water service is terminated, the **DISTRICT** will post a notice indicating the reason for water service termination.
3. **FEE FOR TERMINATION OF WATER SERVICE.** The **DISTRICT** will pay the **CITY** a fee of \$50.00 for each water service which is terminated. The termination fee will include the cost of resumption of water service.
4. **TERMINATION DAY AND TIME** Termination of water service will be done on the second Tuesday of the month. Termination of water service will be at 8:30 A.M. on the termination dates. No termination of water service will be conducted on a day prior to a weekend or holiday.
5. **DELINQUENCY REQUIRING TERMINATION OF WATER SERVICE.** There will be no termination of water service until the **DISTRICT'S** sewer charge exceeds \$50.00 and is more than forty-five (45) days past due. For purposes of this Intergovernmental Agreement, the **DISTRICT'S** sewer charges are due twenty-five (25) days after the billing date.
6. **UNSUCCESSFUL TERMINATION OF WATER SERVICE.** In the event the water service cannot be terminated due to the inability to locate or operate the water service shut-off valve on the designated monthly shut-off date the **CITY** will attempt to terminate water service on the next scheduled water service termination date.

7. **RESUMPTION OF WATER SERVICE.** Upon telephone notification by the **DISTRICT** to the **CITY** that the delinquent **DISTRICT** sewer charges has been satisfied the **CITY** will resume water service at the premises. Prior to the **CITY'S** resumption of water service the **DISTRICT** will confirm that the occupant of the premises is present so that the water service can be resumed. Water service will not be resumed unless the occupant of the premises is present on the premises. Resumption of water service will be conducted between 12:20 P.M. and 4:30 P.M.

8. **COMPLAINTS AND INQUIRIES.** All complaints, correspondence, inquiries and communications from the **DISTRICT** sewer customer will be directed to the **DISTRICT**. The **CITY** will have no obligation to reply, respond, communicate or otherwise correspond to a **DISTRICT** sewer customer.

9. **FEES.** The fees provided for in this Intergovernmental Agreement will be reviewed by the **CITY** annually and this Intergovernmental Agreement may be modified or amended from time to time as deemed appropriate by the **CITY** and **DISTRICT**.

10. **INDEMNIFICATION.** The **DISTRICT** will indemnify and hold harmless the **CITY** from and against any and all suits, actions, claims, losses, liabilities, judgements, verdicts, damage, costs, expenses, attorney's fees, of any nature due to personal injury or property damage arising from any act or omission of the **DISTRICT**, its employees, servants and agents, arising out of, occurring in connection with, resulting from, or caused by the performance or failure of performance of any act pursuant to the terms of the Intergovernmental Agreement.

11. **AGREEMENT.** This Intergovernmental Agreement supersedes any and all prior agreements for water service termination.

CITY OF WHEATON
an Illinois Municipal Corporation

S/C. James Carr
Mayor

ATTEST:

S/Emily M. Consolazio
City Clerk

WHEATON SANITARY DISTRICT

S. James R. Gates
President

ATTEST:

S/Cleve E. Carney
Clerk
Wheaton Sanitary District

ATTACHMENT A

NOTICE OF TERMINATION OF SEWER SERVICE

You are hereby notified that the user charges billed to you as of (Insert Date) under the User Charge Ordinance of the Wheaton Sanitary District of the building located at (Insert Address) have not been paid and remain delinquent. In the event that you fail to pay said user charges, including any applicable penalties, within TEN (10) days hereafter, and unless you have applied for a hardship payment delay, your sewer service will be disconnected by physically disconnecting your sewer line and your building will be red-tagged as "unfit for human occupancy" on (Insert Date) . If the

sewer service is disconnected, you will be charged for the cost of disconnection and will be responsible for the cost of reconnecting the sewer service.

Amount Due is: _____

Dated: _____

WHEATON SANITARY DISTRICT

BY _____
Manager

PROOF OF SERVICE

- On _____, _____, I, _____, on oath state that
- e I served this Notice by delivering a copy personally to each person to whom it is directed.
- e I served this Notice by mailing a copy to each person to whom it is directed and depositing the same in the U.S. Mail at the Main Post Office in Wheaton, Illinois, with the proper postage prepaid.

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public
ATTACHMENT B

FINAL TERMINATION NOTICE

BY ORDER OF THE WHEATON SANITARY DISTRICT, DUE TO **NONPAYMENT OF YOUR SEWER BILL**, SANITARY SEWER SERVICE WILL BE DISCONNECTED EFFECTIVE (Insert Date) OR AS SOON THEREAFTER AS IS PRACTICABLE.

A CHARGE OF \$ (Insert Amount Approved By Board) WILL BE CHARGED TO THE ACCOUNT TO DEFRAY THE COSTS OF DISCONNECTION SERVICE. THE COST OF RECONNECTION WILL BE YOUR RESPONSIBILITY.

TO AVOID DISCONNECTION OF SERVICE, FULL PAYMENT IN CASH OR CERTIFIED CHECK MUST BE RECEIVED IN OUR OFFICE NO LATER THAN 8:30 A.M. ON THE DATE INDICATED ABOVE.

AMOUNT DUE IS: _____

IF YOU HAVE ANY QUESTIONS, PHONE 668-1515.

PROOF OF SERVICE

- On _____, _____, I, _____, on oath state that
- e I served this Notice by delivering a copy personally to each person to whom it is directed.
 - e I served this Notice by mailing a copy to each person to whom it is directed and depositing the same in the U.S. Mail at the Main Post Office in Wheaton, Illinois, with the proper postage prepaid.

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public

ATTACHMENT C

NOTICE OF TERMINATION OF WATER SERVICE

You are hereby notified that the user charges billed to you as of (Insert Date) under the User Charge Ordinance of the Wheaton Sanitary District of the building located at (Insert Address) have not been paid and remain delinquent. In the event that you fail to pay said user charges, including any applicable penalties, within TEN (10) days hereafter, and unless you have applied for a hardship payment delay, your water service will be terminated and your building will be red-tagged as "unfit for human occupancy" on (Insert Date) .

Amount Due is: _____

Dated: _____

WHEATON SANITARY DISTRICT

BY _____
Manager

PROOF OF SERVICE

- On _____, I, _____, on oath state that
- e I served this Notice by delivering a copy personally to each person to whom it is directed.
 - e I served this Notice by mailing a copy to each person to whom it is directed and depositing the same in the U.S. Mail at the Main Post Office in Wheaton, Illinois, with the proper postage prepaid.

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public

ATTACHMENT D

FINAL TERMINATION NOTICE

BY ORDER OF THE WHEATON SANITARY DISTRICT, DUE TO **NONPAYMENT OF YOUR SEWER BILL**, YOUR WATER SERVICE WILL BE TERMINATED EFFECTIVE _ (Insert Date) _ OR AS SOON THEREAFTER AS IS PRACTICABLE.

A CHARGE OF \$ (Insert Amount Approved By Board) WILL BE CHARGED TO THE ACCOUNT TO DEFRAY THE COSTS OF TERMINATION AND REINSTATEMENT OF SERVICE.

TO AVOID DISCONNECTION OF SERVICE, FULL PAYMENT IN CASH OR CERTIFIED CHECK MUST BE RECEIVED IN OUR OFFICE NO LATER THAN 8:30 A.M. ON THE DATE INDICATED ABOVE.

AMOUNT DUE IS: _____

IF YOU HAVE ANY QUESTIONS, PHONE 668-1515.

PROOF OF SERVICE

On _____, I, _____, on oath state that
e I served this Notice by delivering a copy personally to each person to whom it is directed.

e I served this Notice by mailing a copy to each person to whom it is directed and
depositing the same in the U.S. Mail at the Main Post Office in Wheaton, Illinois, with
the proper postage prepaid.

Subscribed and sworn to before me this _____ day of _____,

Notary Public

ATTACHMENT E

MEDICAL EXEMPTION RULES

If anyone now living in your home is very ill, we will not shut off your water service or disconnect the sanitary sewer service.

WHAT YOU MUST DO

YOU MUST CONTACT YOUR DOCTOR OR LOCAL BOARD OF HEALTH.

YOUR DOCTOR OR A BOARD OF HEALTH REPRESENTATIVE MUST CALL THE WHEATON SANITARY DISTRICT AT (630) 668-1515 IMMEDIATELY.

ALSO, A WRITTEN CERTIFICATION, CONTAINING THE FOLLOWING INFORMATION MUST BE SENT TO THE DISTRICT BY YOUR DOCTOR OR THE BOARD OF HEALTH WITHIN FIVE (5) DAYS OF THE POSTED OR DELIVERED DATE APPEARING ON THE FINAL TERMINATION NOTICE:

- Name of person who is ill.
- A statement that the ill person is a resident of the premises in question.
- The name, business address and telephone number of the certifying party.
- Nature of illness.
- The period of time during which termination of utility service will aggravate the illness.

HOW LONG IS THE CERTIFICATION GOOD FOR?

The certification is good for one month. It can also be renewed for one month if the doctor or Board of Health writes to the District again. If the certification is not renewed, your utility service will be shut off after the first month without serving an additional "Notice of Delinquency" or "Notice of Termination".

FOR MORE INFORMATION CALL:

WHEATON SANITARY DISTRICT
1 S 649 Shaffner Road
P. O. Box 626
Wheaton, Illinois 60189
Telephone: (630) 668-1515

(Section 16 amended by Ordinance No. 264 – February 9, 1983)

(Section 16 amended by Ordinance No. 374 – April 21, 1993)

(Section 16 amended by Ordinance No. 450 – June 14, 2000)

Section 17. Reinstatement of Service

A. In the event of termination of water service, said service may be reinstated in the following manner:

Upon payment to the District of the full delinquency, plus penalties, plus the costs of the water service termination and the One Hundred and no/100ths (\$100.00) Dollar District supervision fee, the District will advise the City of Wheaton and it will take the necessary action to resume water service at the premises.

B. In the event of disconnection of sewer service, said service may be reinstated in the following manner:

Upon payment to the District of the full delinquency, plus penalties, plus the cost of the disconnection and the One Hundred and no/100ths (\$100.00) Dollar District supervision fee, the District will issue a permit for reconnection of the building service line to the works of the system. Such reconnection costs, plus inspection fees for the District in accordance with District Ordinances, shall be at the sole expense of the user.

(Section 17 amended by Ordinance No. 264 – February 9, 1983)

Section 18. Inspections and Meter Reading on Private Property From and after the passage of this Ordinance, authorized District personnel shall have the right to enter upon private property to take water meter readings and to take flow meter readings and composite samples from meters and samplers installed therein.

District personnel shall be considered authorized under this Ordinance if they have been bonded and insured and have been issued District badges which contain their photograph and other identification information.

In the event of a refusal to permit District personnel upon private property, the authorized person shall seek the assistance of the local police department or the sheriff's office of the county concerned, and shall make the inspection accompanied by such officer. Failure to permit such meter readings to be made shall constitute grounds for termination of service.

Section 19. User Charge Rate Ordinance Amendments The Board of Trustees shall be empowered at any time, at their discretion, as it is deemed necessary, to amend and increase the individual charges to provide additional revenue to defer costs not known or anticipated at the time of preparation of the latest estimate of anticipated costs, except, however, if at such time as the Board of Trustees has determined that funds allocated in the latest estimate of anticipated costs will not be expended for items originally intended, either in full or in part, the unexpended funds may be allocated to the new or increased cost to the extent possible before increasing the charges heretofore established. User Charge Rate Ordinance amendments shall be implemented and reflected in the next subsequent quarterly billing.

Section 20. Repealer No repealer is contained herein as the procedures authorized under this Ordinance are intended to supplement existing procedures for collecting funds to defer the cost of the operation, maintenance and replacement of the works of the system.

The funds which are provided to be collected hereunder are collected in lieu of the funds formerly provided by general tax revenues for operation and maintenance.

General tax revenues shall continue to be collected for general obligation bond principal payments and for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance and replacement of the works of the system.

Connection charges shall continue to be collected in the manner provided for in the Ordinances of the District.

Section 21. Termination The Board of Trustees hereby reserve the right to adopt termination ordinances or amending ordinances to conform with amendments to the Federal Water Pollution

Control Act of 1972 or any other statute requiring deletions, amendments or termination of the User Charge Ordinance adopted herein.

Section 22. Severability This Ordinance is severable and the invalidity or unconstitutionality of any portion thereof shall not affect the remaining portions thereof.

Section 23. Inconsistent Provisions of Other Ordinances Any other Ordinance, or section thereof, heretofore adopted by the Board of Trustees, conflicting with any of the provisions of this Ordinance, is hereby repealed.

Section 24. Effective Date This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

(Section 24 amended by Ordinance No. 450 – June 14, 2000)

PASSED December 16, 1976

APPROVED December 16, 1976

S/ R. W. Gettinger
President

ATTEST:

S/ Charles L. Strobeck
Clerk