

## **ORDINANCE NO. 10**

### **An Ordinance to Establish Sanitary Sewer and/or Water Rates for the Bloomington Township Public Water District**

#### **ARTICLE I**

#### **Sanitary Sewer and/or Water Service Charges**

**Sec. 1 Basis for Sanitary sewer and/or water service charges:** The sanitary sewer and/or water service charge for the use of and for service supplied by the Bloomington Township Public Water District (B.T.P.W.D.) shall consist of a sanitary sewer and/or water user charge and applicable capital improvement charges and special project capital improvement charges.

**Sec. 2 Water User Charge:** The water user charge is levied on all users to recover the operation, maintenance, and replacement costs, and to maintain prudent reserves. It shall be based on water usage as recorded by water meters. The minimum amount shall be determined to cover the operation and maintenance (O & M) charges for the B.T.P.W.D. water facilities.

The water user charge shall be computed as follows:

- (a) A minimum amount shall be applied to all users for water consumption from 0 to 1,500 gallons per Month; and
- (b) A charge for water use above 1,500 gallons will be prorated in 100 gallon units;
- (c) The respective charges for minimum charges under (a) and the water use above 1,500 gallons under (b) will be computed pursuant to Bloomington Township Public Water District Ordinance No. 11, latest revision. An Ordinance to Establish the Specific Rates and effective Dates for the Bloomington Township Public Water District, as in effect from time to time, for the specified rates and effective dates.

**Sanitary Sewer User Charge:** The sanitary sewer user charge is levied on all users who are connected to the B.T.P.W.D. sanitary sewer collection system to recover the operation, maintenance and replacement costs, and to maintain prudent reserves FOR B.T.P.W.D. and the Bloomington and Normal Water Reclamation District (B.N.W.R.D.). It shall be based on water usages recorded by water meters. The minimum amount shall be determined to cover the operation and maintenance (O & M) charges for the B.T.P.W.D. and B.N.W.R.D. sanitary sewer facilities.

The sanitary sewer user charge shall be computed as follows:

- (a) A minimum amount shall be applied to all users for water consumption from 0 to 1,500 gallons per Month; and
- (b) A charge for water use above 1,500 gallons will be prorated in 100 gallon units;
- (c) The respective charges for minimum charges under (a) and the water use above 1,500 gallons under (b) will be computed pursuant to Bloomington Township Public Water District Ordinance No. 11, latest revision. An Ordinance to

Establish the Specific Rates and Effective Dates for the B.T.P.W.D., as in effect from time to time, for the specified rates and effective dates.

- (d) At the users request, special prior arrangements may be considered by the DISTRICT to waive the sanitary sewer user charge if an unusually large water use is needed that does not subsequently discharge to the sanitary sewer, such as filling swimming pools, water for newly installed grass/sod or other equivalent needs.

**Sec. 3 Capital Improvement Charge:** A capital improvement charge may be levied on all users to provide for prospective capital improvements, extensions of sanitary sewers and/or water lines, replacement of equipment or reconstruction of existing sanitary sewers and/or water lines, if net profits from revenues are not sufficient to accumulate sufficient reserves for prospective capital improvements.

**Sec. 4 Special Project Capital Improvement Charge:** The B.T.P.W.D. shall levy one or more Special Project Capital Improvement Charges to each user of sanitary sewer and/or water facilities and improvements who are served by a Special Capital Improvement Project, as set forth in Section 3 of B.T.P.W.D.'s current Ordinance to Establish Rules, Fees and Regulations for B.T.P.W.D., (Ordinance 12, latest revision) as in effect from time to time. The Special Project Capital Improvement Charge may be for a specific service area, an extension area, or such other area served by a specific capital improvement.

**Sec. 5 Reviews:** The adequacy of the sanitary sewer and/or water user charge shall be reviewed, not less often than annually, by the Water District Manager, B.T.P.W.D. Trustees and/or by a Certified Public Accountant in the annual audit report.

**Sec. 6 Measurement of Flow:** The volume of flow used for computing the sanitary sewer and/or water user charge shall be the metered water consumption read to the lowest even increments of 100 gallons.

Metering devices for determining the volume shall be installed, owned, and maintained by the B.T.P.W.D. Following approval and installation, such meters may not be removed unless service is canceled or without the consent of the B.T.P.W.D. Manager.

## ARTICLE II General Provisions

**Sec. 1 Bills:** Said sanitary sewer and/or water use charge and capital improvement charges shall be payable monthly. The owner of the premises, any occupants of the premises during the period of the bills, and any other users of the sanitary sewer and/or water service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the B.T.P.W.D. only upon the condition that the owner of the premises, occupants and users of the services are jointly and severally liable for the charges to the B.T.P.W.D.

Bills for service shall be mailed by the B.T.P.W.D. -prior to the end of the month of the period for which the service is billed.

All account balances are due and payable by the 15<sup>th</sup> of the month following the period for which the service is billed. A penalty of 10% shall be applied to any outstanding balance on the 16<sup>th</sup> of the month.

**Sec. 2 Delinquent Bills:** Any balance owing 60 days past due from the due date of the 15<sup>th</sup> will be considered delinquent. Additionally, any account with a balance greater than \$300.00 on the 16<sup>th</sup> of the month will be considered delinquent. A delinquent notice will be mailed to the customer and the entire balance will be due and payable by the last day of the month (if the last day of the month is a Saturday, Sunday, or Holiday then payment is due by the next business day). If payment is not received, service will be shut off, a \$50 processing fee will be added to the customer's account and service will not be restored until the entire balance is paid in full including the processing fee.

The Owner, occupiers or users are also responsible for all costs of collection for delinquent accounts, including collection agency charges, attorney fees, and all costs to trace new addresses for the owner, occupiers and users. This shall specifically include any reasonable charges for legal fees or other cost of perfecting and enforcing liens as allowed in Section 3 and 4 below. The hourly retainer rate for B.T.P.W.D. for its attorney shall be considered a prima facie reasonable rate for legal services.

**Sec. 3 Lien-Notice of Delinquency:** Whenever a balance for service remains unpaid for 75 days after the due date, the B.T.P.W.D. Manager may file with the McLean County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the B.T.P.W.D. claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the occupiers and users whose bill is unpaid are not the owner of the premises and the B.T.P.W.D. Manager has notice of this, notice shall be mailed to the owner of the premises if his address be known to the manager, whenever such bill remains unpaid for seventy-five days after the due date of the 15<sup>th</sup>.

The failure of the B.T.P.W.D. Manager to promptly record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

**Sec. 4 Foreclosure of Lien:** Property subject to a lien for unpaid charges may be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be bill-in equity in the name of the B.T.P.W.D. The B.T.P.W.D.'s attorney is hereby authorized and directed to institute such proceedings in the name of the B.T.P.W.D. in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for seventy five days after the due date of the 15<sup>th</sup>.

**Sec. 5 Revenues:** All revenues and moneys derived from the operation of sanitary sewers and/or water systems shall be deposited in the water account of the sanitary sewer and/or water fund not more than ten days after receipt of the same, or at such more frequent intervals as may for time to time be directed by the Chairman and the Board of Trustees. All such revenues and moneys shall be held by the B.T.P.W.D. Treasurer

separate and apart from his or her private funds and separate and apart from other funds of the B.T.P.W.D.

The B.T.P.W.D. Treasurer shall receive all such revenues from the sanitary sewer and/or water system and all other funds and moneys incident to the operation of such systems as the same may be delivered to him or her and deposit the same in the accounts of the funds designated as the "Sanitary Sewer Fund of the B.T.P.W.D. and the Water Fund of the B.T.P.W.D." The Treasurer shall administer such funds in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942, as in effect from time to time.

Sec. 6 Accounts: The B.T.P.W.D. Secretary/Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and sanitary sewer system and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system, and the sanitary sewer system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities and sanitary sewer. The financial information to be shown in the audit shall include the following:

1. Flow data showing total gallons received from the City of Bloomington for the current fiscal year, for the water fund.
2. Billings data to show total number of gallons billed per fiscal year, for both funds.
3. Debt service for the next succeeding fiscal year, for both funds.
4. Number of users connected to the system, for both funds.
5. Number of non-metered users, for both funds.

Sec. 7 Access to Records: The IEPA or its authorized representative shall have access to any books, documents, papers, and records of the B.T.P.W.D. which are applicable to the B.T.P.W.D. system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of the Loan Agreement and Rules of any State Loan.

### ARTICLE III Effective Date for Rates

The rates and service charges established for water user charges in Article I shall be effective as of next monthly billing period after approval by the B.T.P.W.D. Chairman and Board of Trustees of rates and service charges pursuant to Ordinance 11, as amended or succeeded by subsequent ordinance, and on the bills to be rendered for the next succeeding month for monthly users.

### ARTICLE IV Validity

That if any section, paragraph, clause or provision of the Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

### ARTICLE V

Appeals

The method for computation of rates and service charges established for water user charges in Article I, as in effect through Ordinance 11, as amended or replaced by subsequent ordinance, shall be made available to a user within 15 days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by the B.T.P.W.D. within 30 days after notification of a formal written appeal outlining the discrepancies.

The initial request for a computation of rates by an owner, occupier or user may be by telephone call, letter, fax or e-mail to B.T.P.W.D. office. Administration staff, in their sole discretion, may waive any penalties or make such necessary adjustments for disagreements or discrepancies as they believe are appropriate, and shall report such waivers of penalty or requested adjustments to the Board of Trustees. If an owner, occupier or user does not agree with the staff decision, then they may submit a written appeal by certified mail to the Board of Trustees, c/o B.T.P.W.D.'s business office.

ARTICLE VI  
Ordinance in Force

Sec. 1 This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

Sec. 2 Passed and adopted by the Board of Trustees of the B.T.P.W.D. of McLean County, State of Illinois on the 9<sup>th</sup> day of May, 2017 by the following vote:

Ayes 5 namely Husek, Baugh, Wilcox, Olds, Foy

Nays 0 namely \_\_\_\_\_

Approved this 9<sup>th</sup> day of May, 2017

Signed William Friedrich  
(Chairman)

ATTEST:  
Signed Karen Williams  
(Secretary)

(WATER DISTRICT SEAL)