

**VILLAGE OF ORANGEVILLE**

**ORDINANCE No 07-02-2012**

**AN ORDINANCE CHANGING** Chapter 20, Village Utility Service Rates and Codes, Article II, Rates and Charges of the Orangeville Book of Municipal Codes.

**WHEREAS** An increasing number of transient residents are vacating the Village with overdue utility bills, necessitating an increased security deposit to mitigate loss of revenue, as well as an increase in chronically late bill payments, and

**WHEREAS** there is a discrepancy between the billing procedure and the Code, other administrative discrepancies within the code,

**BE IT ORDAINED** By the Trustees of the Village of Orangeville, Stephenson County, Illinois that Article II is changed, incorporating previous changes, to:

**ARTICLE II. RATES AND CHARGES (RC)**

**Sec. 20-11. RC - WATER SERVICE CHARGES AND CONNECTION FEES.**

A The Village shall establish appropriate and necessary rates or charges for all aspects of service, supply and use of the Village's supplied potable water services by the Village residents and businesses. As of 01/01/11 the rate computation determination shall be as follows:

(1) Within the corporate limits the metered residential, commercial, and industrial water service charge per monthly period shall be:

(a) Five dollars, (\$5.00) per two-thousand (2,000) gallons used per month

(b) Two dollars, fifty cents (\$2.50) per thousand (1,000) gallons used in excess of two-thousand (2,000) gallons per month, or any part thereof

(c) Five dollars, (\$5.00) minimum charge per month (for 2,000 gallons)

(2) Within the corporate limits the un-metered residential, commercial, and industrial water service charge per monthly period shall be: twelve dollars, fifty cents (\$12.50), which shall be based on an estimated consumption of five-thousand (5,000) gallons used per month.

(3) Each user of the Village's water system outside the corporate limits shall be charged:

(a) Six-dollars, ninety-cents (\$6.90) for the first two-thousand (2,000) gallons used

(b) Three-dollars, forty-five-cents per thousand (1,000) gallons used in excess of two-thousand (2,000) gallons per monthly period.

B As of 01/09/12, a deposit of one-hundred dollars (\$100) will be collected when new customers make application for water service.

C A seven-hundred, fifty-dollar (\$750.00) inspection and connection fee will be collected from property owners for all new water connections to the Village water system. This fee shall be paid to the Village before any building permit shall be issued. The fee required under this section shall be waived in the event the proposed connection is eligible for a combined fee for multiple nearly simultaneous connections when sanitary sewer service is extended to a newly annexed or previously unserved area. The combined fee will be recommended by the Water and Sewer Committee case by case, based on sewer main construction costs and the number of proposed connections, and set by Village Board resolution.

Sec. 20-12. RC - WASTEWATER SERVICE CHARGES AND CONNECTION FEES.

The Village shall also establish appropriate and necessary rates or charges for all aspects of service and use of the Village's wastewater services by the Village residents and businesses. The computation for rate determination shall be as follows:

A The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable.

B The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations: (a) a five (5) day twenty (20) degree centigrade (20C) biochemical oxygen demand (BOD) of two-hundred (200) mg/l; and (b) a suspended-solids content of two-hundred-fifty (250) mg/l.

C It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

(1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund, for the next fiscal year for all works categories;

(2) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD<sub>5</sub>;

(3) Estimate wastewater volume, pounds of SS and pounds of BOD<sub>5</sub>, to be treated;

(4) Compute unit costs for volume (dollars per one-thousand-gallons (1,000gal)) for SS (dollars per pound) and for BOD<sub>5</sub>, (dollars per pound); and

(5) Compute costs per one-thousand-gallons (1,000gal) for volume, SS, and BOD at normal sewage strength. Add these costs to determine the charge for operation and maintenance including replacement.

D A surcharge will be levied to all users whose waste exceeds the normal concentrations for BOD (200 mg/l) and SS (250 mg/l).

(1) The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the two-hundred (200) mg/l and two-hundred-fifty (250) mg/l concentration for BOD and SS respectively.

(2) This Subchapter specifies the procedure to compute a surcharge. The BOD surcharge rate shall be six-cents (\$.06) per pound, and the SS surcharge rate shall be five-cents (\$.05) per pound.

(3) The wastewater service charge shall be reviewed annually by certified public accountants to the Village in their audit report. It shall be revised periodically to reflect a change in debt service or a change in operation and maintenance including replacement costs.

E. Measurement of flow shall be defined and determined as follows:

(1) The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one-hundred-gallons (100gal);

(2) If the person discharging waste into the public sewers procures any part, or all, of his water from sources other than the public water system, all or part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources; and

(3) Devices for measuring the volume of waste discharged may be required by the Maintenance Superintendent if these volumes cannot otherwise be determined from the metered-water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Superintendent.

F. A wastewater service charge is hereby established. It shall consist of a minimum charge and a basic metered user and un-metered user rate for the use of and for the service supplied by the wastewater system of the Village. The charge calculations and policies are:

(1) Users having metered wastewater service shall be charged a monthly rate of three-dollars, seventy-five-cents (\$3.75) per two-thousand (2,000) gallons. An additional one-dollar, twenty-five-cents (\$1.25) shall be charged for every one-thousand (1,000) gallons used above the two-thousand (2,000) gallon limit. Additionally, there shall be a Capital Improvement fee of one-dollar (\$1.00) for every one-thousand (1,000) gallons, and a Debt Service fee of two-dollars (\$2.00) for every one-thousand (1,000) gallons. The minimum monthly charge for wastewater service shall be based on and charged for two-thousand (2,000) gallons;

(2) Un-metered wastewater service users, whose rates shall be based on an estimated consumption of five-thousand (5,000) gallons monthly, shall be charged twenty-two-dollars, fifty-cents (\$22.50) monthly;

(3) Users of the Village's wastewater system outside the corporate limits shall have a surcharge of one-hundred-percent (100%) added to the bill rendered for any service described above. In the event any debt is owed as a result of any improvement to the wastewater system, any such surcharge shall be allocated to debt service only and shall not be used for operation, maintenance, or replacement costs, until such debt is fully paid.

(4) The users of wastewater treatment services will be notified annually, in conjunction with a regular billing, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance, and replacement.

(5) The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or an authorized representative of either of the aforementioned organizations shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audits, examinations, excerpts, and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant, and/or federal regulations and conditions of a federal grant.

G A wastewater connection fee is hereby established. All new sewer connections to the Village sanitary sewer system shall pay a five-hundred, fifty-dollars (\$550.00) inspection and connection charge for each new connection made to the Village's sanitary sewer system. This connection fee shall be paid to the Village before any building permit shall be issued. The fee required under this Section shall be waived in the event the proposed connection is eligible for a combined fee for multiple nearly simultaneous connections when water service is extended to a newly annexed or previously unserved area. The combined fee will be recommended by the Water and Sewer Committee case by case, based on water main construction costs and the number of proposed connections, and set by Village Board under Section 20-4 of this Code. All sanitary sewers shall be installed in compliance with regulations and specifications of the Village and State at the connecting party's expense.

H. Computation of surcharge.

(1) The surcharge per person shall be computed by the following formula:

$$S = V (0.00834) (A(BOD-200) + B(SS-250))$$

Where:

- S = Amount of surcharge (\$)
- V = Wastewater volume in thousand gallons per billing period
- 0.00834 = Unit weight of water x 10<sup>-6</sup> per thousand gallons
- A = Unit charge per lb. for BOD<sub>5</sub>, per lb.
  - BOD<sub>5</sub> = 5-day biochemical oxygen demand, mg/l
  - 200 = Allowable BOD<sub>5</sub>, strength
- B = Unit charge per lb. of SS, mg/l
  - 250 = Allowable SS, mg/l

(2) The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges. Sampling stations shall be provided and maintained by the person.

I. Computation of wastewater service charge. The wastewater service charge per person shall be computed by the following formula:  $W = VR+S$

Where:

- W = Amount of wastewater service charge (\$) per billing period
- V = Wastewater volume in 100 gallons per billing period
- R = Basic user rate for operation, maintenance and replacement
- S = Amount of surcharge

Sec. 20-13. RC – GARBAGE AND REFUSE COLLECTION AND DISPOSAL FEES.

The Village shall establish appropriate and necessary rates or charges for collection and disposal of waste generated by Village residents and businesses. As of 01/01/11 the monthly rate computation determination shall be as follows:

A Residential Base Rate for two thirty-gallon containers: \$12.00

B Residential Container Stamp for each additional thirty-gallon container for one-time use: \$1.00

C Commercial 1.5-yard dumpster: \$45

D Commercial 2.0-yard dumpster: \$69

Sec. 20-14. RC - BILLS.

A All charges for water, sewer, and garbage collection services shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable for the water, sewer and garbage collection service furnished to such premises, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable for such services to the Village.

B Bills for water, sewer, and garbage collection services shall be sent out by the Village Clerk once a month, and shall cover the immediate previous month for which service was furnished plus any unpaid bills and/or charges. All water and/or sewer bills are due and payable on the due date stated on the bill. A penalty of ten-percent (10%) shall be added to all bills not paid by the due date. The Village's receipt of partial payment for a water, sewer and garbage collection bill from an occupant, owner or user of water, sewer and garbage collection services shall not bar the Village from terminating service to the premises for sums due and owing longer than thirty (30) days and/or seeking the remaining balance due through the means set forth in this Article. Service shall be terminated on the 10<sup>th</sup> day of the month following the first bill posting a previous unpaid balance.

C A twenty-dollar (\$20.00) charge shall be assessed against any owner, occupant or user of water, sewer and garbage collection service who tenders a check to the Village which is returned NSF (insufficient funds) by any financial institution. The twenty-dollar (\$20.00) charge shall be considered a part of the unpaid charges and recoverable by the Village in like manner.

D A ten-dollar (\$10.00) fee shall be charged for reinstating service to premises which are used by an occupant or owner on a seasonal basis and for which service is temporarily and voluntarily terminated.

Sec. 20-15. RC - DISCONNECTION FOR LATE PAYMENT.

A It is the policy of the Village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The Village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill.

(2) That if any bill is not paid by or before the date, the next monthly bill will be mailed posting a previous unpaid balance and stating that if the bill is not paid in full by the 10<sup>th</sup> of the month following the due date of the second bill, service will be discontinued for nonpayment.

(3) That any customer disputing the correctness of his bill shall have a right to a hearing.

B Request for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered, in which case, the customer has a right to a hearing. When a customer wishes to dispute a bill, he must notify the Clerk in writing to register the complaint before the due date of the disputed bill. The Clerk shall be authorized to order that the customer's service not be discontinued until the Chairman of the Water and Sewer Committee has convened a hearing and the Committee consisting of the Chair and at least two other Board members has made a final determination of the customer's complaint, The customer may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions at the hearing.. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least thirty (30) days.

C When water service is terminated for nonpayment of bills, it will be reinstated only after all fees to include late fees have been paid, along with a reinstatement charge of twenty-dollars (\$20.00).

#### Sec. 20-16 RC - CONSTRUCTION CONTRACTORS.

During construction of any building, and before any water meter is installed, as is herein provided, the contractor so constructing such building may be permitted to use the Village water supply by making application there for, and paying the flat fee prescribed by the Village Board in Section 20-11C

#### Sec. 20-17. RC - REMEDIES FOR DELINQUENCY.

A If charges for services are not paid within sixty (60) days for monthly service, the Village may exercise its option as set forth in ILCS Ch. 65, Act 5, § 11-139-8, as amended, to sue the consumer, occupant or user of the utility services to recover all monies due for the water, sewer and garbage collection services provided to the premises, plus reasonable attorney's fees. This remedy shall be in addition to any termination of water, sewer and garbage collection services pursuant to Sec. 20-14 of this Code.

B The Village shall be authorized to file a property lien for delinquent charges against the subject real estate with the Stephenson County Clerk and Recorder according to the provisions set forth in ILCS Ch. 65, Act 5, § 11-139-8. However, prior to filing such lien, the owner of the real estate, as referenced by the taxpayer's identification number, shall be sent a notice by certified mail to the mailing address of record for property tax bills, which sets forth the amount of the delinquency and the period of time for which water, sewer and garbage collection services were rendered along with notice of the identity of the person or entity to whom prior notice of a delinquency in payment for water, sewer and garbage collection service was sent; notice that unpaid utility charges may create a lien on the real estate pursuant to ILCS Ch. 65, Act 5, S 11-139-8. The Village shall also apprise the owner(s), as identified by the taxpayer's identification number, that the owner has fourteen (14) days in which to remedy the delinquency, and that a property lien is in addition to, not in lieu of, other remedies which the Village may utilize to recover monies due for services rendered.

C Pursuant to the provisions of ILCS Ch. 65, Act 5, § 11-139-8, any property lien filed shall contain a legal description of the real estate, a statement as to the amount of money due the Village for the services provided, and the date when such amount became delinquent. Notice of the lien shall be provided to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number.

Sec. 20-18. RC - FORECLOSURE OF LIEN.

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, pursuant to the provisions of ILCS Ch. 65, Act 5, § 11-139-8 regarding foreclosure of liens upon real estate for which water, sewer and garbage collection charges or rates have been furnished. Such foreclosure shall be brought in the name of the Village as provided by state statute. The attorney hired by the Village is hereby authorized and directed to institute such proceedings in the name of the Village in a court of proper jurisdiction over such matters against any property against which a lien has been filed.

Sec. 20-19. RC - REVENUES.

A All revenues and moneys derived from the operation of the water, sewer and garbage collection service shall be deposited in specified accounts All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village, and all of said sums, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten days



after receipt of the same, or at such more frequent intervals as may from time-to-time be directed by the President and Village Board.

B The Village Treasurer shall receive all such revenues from the water, sewer, and garbage collection service and all other funds and moneys incident to the operation of such services as the same may be delivered to him and deposit the same in the separate accounts. Said Treasurer shall administer such funds in every respect in the manner provided by the Illinois Municipal Code, ILCS Ch. 65, Act 5.

Sec. 20-20. RC - ACCOUNTS.

All accounts established as a result of the Village's water, sewer and garbage collection service shall be managed as follows:

A The Village 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, sewer and garbage collection service, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water, sewer and garbage collection service.

B In addition to the customary operating statements, the annual audit report shall also reflect the separate revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the cost recovery system and capital amounts required to be recovered under the industrial cost recovery system due in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year;
- (2) Billing data to show total number of gallons billed;
- (3) Debt service for the next succeeding fiscal year;
- (4) Number of users connected to the system;
- (5) Number of non-metered users; and
- (6) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

C The annual audit report shall contain such other financial information consistent with future guidelines to be promulgated by the U.S. Environmental Protection Agency.

Sec. 20-21. RC - INJUNCTIVE REMEDIES.

The Village shall have the right to seek a civil action for an injunction to restrain violations of this Subchapter and to require compliance with all Village and state laws, rules and regulations. The Village shall also have the right to reasonable attorney's fees for maintaining such a civil action. The Village shall not seek injunctive relief to restrain violations of this Subchapter or to require affirmative action on the part of an occupant, user or property owner to bring the property into compliance with state or Village statutes, rules and/or regulations unless the Village has first advised the owner of record of the property, as referenced by the taxpayer's identification number for the real estate, by certified letter or a notice posted on the premises of the violation(s) which the Village seeks to remedy.

Sec. 20-22. RC - INJUNCTIVE RELIEF FOR DISCHARGE OF POLLUTANTS.

The Village may, upon discovering an ongoing or potential discharge of pollutants into the Village water and sewer system which appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Stephenson County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the Village shall use reasonable means to give the offending party informal notice of the Village's intention to seek injunctive relief, unless an emergency exists. Methods of informal notice may include, but need not be limited to, a personal conversation with the discharger, telephone calls, letters, hand-delivered messages, or notices posted at the discharger's premises; however, notice, whether formal or informal, shall not be a condition precedent to the Village's right to seek and obtain injunctive relief.

Sec. 20-23 through Sec. 20-30. RESERVED.

Adopted this 2nd day of July 2012, pursuant to a roll call vote by the Board of Trustees of the Village of Orangeville, Stephenson County, Illinois

<b>BOARD OF TRUSTEES</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
Edward Dotzel			
Alex Mills			
Kurt Schilling			
Caryl Buford			
Louis Piskur			
Michael Siedschlag			

**Village Clerk**  
Joyce Flannery

**Village President**  
Donald L. Hoyle