

## CHAPTER 4

### SEWER REGULATIONS

#### ARTICLE C. SEWER USER CHARGES

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4-4C-1: DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

##### CHARGES, TYPES OF:

**Capital Improvement Charge:** A charge levied on users, when the Council deems it necessary, for capital improvement costs.

**Debt Service Charge:** The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

**Local Capital Cost Charge:** Charges for costs other than the operation, maintenance and replacement costs, i.e., debt service and capital improvement costs.

**Replacement:** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" included replacement.

**Sewerage Fund:** The principal accounting designation for all revenues received in the operation of the sewerage system.

**Surcharge:** The assessment in addition to the Volumetric charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Section 4-4C-2.

**Useful Life:** The estimated period during which the collection system and/or treatment works will be operated.

**Volumetric Charge:** A charge levied on users of the treatment works for the cost of operation, maintenance and replacement.

**Wastewater Service Charge:** The charge per month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Section 4-4C-2 and shall consist of the total of the Volumetric charge, the local capital cost charge and a surcharge, if applicable.

**CLARIFICATION OF WORD USAGE:** "Shall" is mandatory; "may" is permissible.

**LOCAL GOVERNMENT:**

**Ordinance:** This Ordinance.

**PERSON:** Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**SEWER TYPES AND APPURTENANCES:**

**Public Sewer:** A sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary (or combined) sewer system, even though those sewers may not have been constructed with City funds.

**Sewer:** A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

**Sewerage:** The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

**STATE GOVERNMENT: State Grant:** The State of Illinois' participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act (30 ILCS 405/1 et seq.) and for making such grants as filed with the Secretary of State of Illinois.

## USER TYPES:

**Commercial User:** Transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

**Industrial Users:** Establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

**Institutional/Governmental User:** Schools, churches, penal institutions and users associated with Federal, State and local governments.

**Residential User:** All monthly-billed dwelling units such as houses, mobile homes, permanent multi-family dwellings.

**User Class:** The type of user, "residential, institutional/governmental, commercial", or "industrial", as defined herein.

## WASTEWATER AND ITS CHARACTERISTICS:

**BOD (denoting biochemical oxygen demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20 ) centigrade, expressed in milligrams per liter.

**Industrial Waste:** Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

**Sewage:** Is used interchangeably with "wastewater".

**Suspended Solids (SS):** Solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories' "Manual of Laboratory Methods".

**Wastewater:** The spent water of a community. From this standpoint, of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

**WASTEWATER FACILITIES:** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.

### 4-4C-2: WASTEWATER SERVICE CHARGES:

#### 4-4C-2-1: BASIS FOR WASTEWATER SERVICE CHARGES:

- A. **Wastewater Service Charge:** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a Volumetric charge for operation and maintenance plus replacement (OM&R), applicable surcharges, and a local capital cost charge composed of a debt service charge and a capital improvement charge.
- B. **Debt Service Charge:** The debt service charge shall be computed by dividing the annual debt service for all outstanding wastewater bonds (less any capital improvement charge imposed) by the number of users. Through further divisions, the monthly debt service charges can be computed.
- C. **Volumetric Charge:**
1. The Volumetric charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:
    - a. A five (5) day, twenty degree (20 ) centigrade biochemical oxygen demand (BOD) of two hundred (200) mg/l.
    - b. A suspended solids (SS) content of 250 mg/l.
  2. The Volumetric charge shall consist of operation and maintenance costs plus replacement and shall be computed for all users except North Pekin as follows:
    - a. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
    - b. Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year.
    - c. Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD.
    - d. Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by volume, suspended solids and BOD.
    - e. Compute costs per one thousand (1,000) gallons for normal sewage strength.
    - f. Compute surcharge cost per pound per one thousand (1,000) gallons in excess of normal sewage strength for BOD and SS.
- D. **Capital improvement Charge:** The wastewater charge for the use of and for services supplied by the wastewater facilities of the City, which shall be computed based on usage, and the funds so generated shall be used for capital improvements.

- E. Surcharge for Users with Excessive BOD and SS Concentrations: A surcharge will be levied to all users whose waters will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (250 mg/l). 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. Section 4-4C-2-6 specifies the procedure to compute a surcharge.
- F. Village of North Pekin: The Village of North Pekin will be billed in accordance with the requirements of the most recent contractual agreement with the City of Pekin regarding wastewater services.
- G. Annual Review: The adequacy of the wastewater service charge shall be reviewed, not less often than annually, at the same time and as part of the annual audit report to the City. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs, including replacement costs.

The users of wastewater treatment services will be notified annually of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

4-4C-2-2: MEASUREMENT OF FLOW: The volume of flow used for computing Volumetric charges and surcharges shall be the metered water consumption read to the lowest even increments of one thousand (1,000) gallons, unless the user qualifies for even (7) month averaging (as defined below) or a separate wastewater meter or water meter has been installed in conformance with the requirements of the City and/or the Illinois-American Water Company.

- A. If the user discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Illinois-American Water Company - Pekin District, all or a part of which is discharged into the public sewers, said user may be required by the City to install and maintain, at his expense, water meters of a type approved by the Illinois-American Water Company - Pekin District for the purpose of determining the volume of water obtained from these other sources.
- B. Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records.
- C. An additional water meter may be installed in a user's home plumbing at the user's expense if a user desires to distinguish between the water usage that enters the sewer system from that portion of water usage which is used for such purposes as lawn watering, swimming pools, etc. Where the water does not enter the sewer system, the meter must be installed so water going through the "nonsewered" meter cannot be returned to the sewer.

Upon installation, a City inspector will examine the installation for conformance to this requirement. Periodic checks will be made by the City inspector to assess the adequacy of the installation and verify the reported meter readings.

- D. Metering devices, including additional water meters, for determining the volume of waste shall be installed, owned and maintained by the user discharging wastes into the public sewers. Following approval and installation, such meters may not be removed without the consent of the City, unless service is cancelled. Effective January 1, 2004, wastewater meters will no longer be allowed unless requested by the user: but in no event shall wastewater meters be allowed after January 1, 2005.
- E. Seven (7) month averaging" will only be allowed for those monthly customers classified as residential. The usage from the months of October through April will be averaged, and the lesser of this average or the actual metered usage during the summer billing period will be the amount charged for the summer billing period. If a customer has not been serviced for a full seven (7) month period, the Wastewater Billing Department shall estimate the amount based on historical and/or compatible usage. (Ord. No. 2389 10-11-04 4-4C-2-2) (Ord. No. 2444 09-12-05 Effective retroactive March 1, 2005)

4-4C-2-3: LOCAL CAPITAL COST CHARGE: The Local Capital Cost Charge shall consist of the Debt Service Charge and the Capital Improvement Charge and the Minimum Charge.

A. DEBT SERVICE CHARGE: A minimum debt service charge of zero dollars (\$0.00) per month to each user of the wastewater facility is hereby established. Any resident of the City who operates and maintains an individual septic tank system shall be charged the Debt Service Charge.

B. CAPITAL IMPROVEMENT CHARGE: There is a minimum capital improvement charge of zero dollars (\$0.00) per month to each user of the wastewater facility of the City.

C. MINIMUM CHARGE: There shall be and there is hereby established a minimum charge of three dollars (\$3.00) per month to each user of wastewater facilities.

4-4C-2-4: VOLUMETRIC RATE: There shall be and there is hereby established a volumetric rate for the use of and for service supplied by the wastewater facilities of the City.

A volumetric rate of one dollar ninety-nine cents (\$1.99) for one thousand (1,000) gallons of metered water consumption shall be applied to all users of the wastewater facilities of the City.

All nonmetered residential users of the wastewater facilities shall pay a minimum flat rate charge of three (\$3.00) dollars per month.

Any resident of the City who currently operates and maintains on individual septic tank system shall be exempt from the volumetric charge.

4-4C-2-5: SURCHARGE RATE: The rates of surcharges for BOD and SS shall be as follows:

|                 |        |
|-----------------|--------|
| Per lb. of BOD: | \$0.30 |
| Per lb. of SS:  | \$0.20 |

4-4C-2-6: COMPUTATION OF SURCHARGE: 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 City of Pekin and shall be binding as a basis for surcharges.

4-4C-2-7: COMPUTATION OF WASTEWATER SERVICE CHARGE: The wastewater service charge shall be computed by the following formula:

$$CW = CD + (VU) CU + CS + CC + MC$$

Where CW=Amount of wastewater service charged (\$) per billing period

Where CD=Debt service charge (Section 4-4C-2-3)

Where VU=Volume of wastewater for the billing period (Section 4-4C-2-2)

Where CU=Volumetric rate for operation, maintenance and replacement (Section 4-4C-2-4)

Where CS=Amount of surcharge (Sections 4-4C-2-5 and 4-4C-2-6)

Where CC=Capital improvement charge (Section 4-4C-2-3)

Where MC = Minimum Charge (Section 4-4C-2-3)

#### 4-4C-3: GENERAL PROVISIONS:

4-4C-3-1: BILLS: Said rates or charges for service shall be payable monthly. The owner of the premises (including the beneficiary of any land trust which owns the premises), the occupant thereof and the user of the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the City.

Bills for sewer service shall be sent out by the City, or its designated agent, during the month or quarter during which the service is rendered or during the succeeding month.

It shall be the policy of the City of Pekin to send bills for sewer service only to the record owner of the real estate except that the City of Pekin shall have the authority to make reasonable exceptions to this policy.

All sewer bills are due and payable twenty one (21) days after being sent out for those users in the residential class and ten (10) days after being sent out for those users in the commercial class, and upon nonpayment within the time period allowed a service charge for late payment shall be assessed of one and one-half percent (1.5%) per month on the unpaid balance or eighty five cents (\$0.85) per month, whichever is greater.

4-4C-3-2: LIEN NOTICE OF DELINQUENCY: Whenever a bill for sewer service remains unpaid for forty five (45) days for monthly service or service after it has been rendered, the City Director of Finance shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises and/or current address of the premises served, the amount of the unpaid bill and a notice that the City claims a lien for this amount of the unpaid bill, plus \$25.00 for administrative expenses incurred by the City, plus any fee charged by the Recorder of Deeds for recording the lien and the release of lien. Upon payment of all amounts described in the lien, the lien shall be released by the Wastewater Billing Supervisor. (Ord. 2320, 02-10-03)

4-4C-3-3: ENFORCEMENT OF LIEN: If payment shall not be made for charges as provided in this ordinance, any amount due for sewage service, additional charges, or benefits when the same come due, the City may, as provided by the Illinois Compiled Statutes, 65 ILCS 5/11-141-7, foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, and also pursuant to the Illinois Compiled Statutes, 65 ILCS 5/11-141-7, the City may, in its discretion, file suit to collect such amounts as are delinquent and due against the occupant or user of the real estate in a civil action, and shall collect, as well, all attorney's fees incurred by it, the same to be fixed by order of the court.

4-4C-3-4: REVENUES: All revenues and moneys derived for the operation of the sewage system shall be deposited in the sewerage account of the Sewerage Fund. All such revenues and monies shall be held by the City Director of Finance separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the City Director of Finance not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the City Manager. (Ord. No. 2515 02-12-07)

The City Director of Finance shall receive all such revenues from the sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the City". Said Director of Finance shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act" (65 ILCS 5/11-141-18.)

4-4C-3-5: ACCOUNTS: The City Director of Finance shall be responsible for establishing 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 sewerage system, 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 sewerage system.

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

- A. Flow data showing total gallons received at the wastewater plant for the current fiscal year.

- B. Billing data to show total number of gallons billed per fiscal year.
- C. Debt service for the next succeeding fiscal year.
- D. Number of users connected to the system.
- E. Number of nonmetered users.
- F. A list of users discharging nondomestic and industrial wastes and volume of waste discharged.

4-4C-3-6: NOTICE OF RATES: Users of the sewerage system will be notified by the City of the rates and that portion of the user charges which are attributable to wastewater treatment service, including the financial information of Section 4-4C-3-5.

4-4C-3-7: ACCESS TO RECORDS: The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any State grant.

4-4C-3-8: COLLECTION: The Director of Finance or other designated administrator of the City Wastewater Division shall assure that every effort is made to collect all sums that become due and owing to the City under this Article. In addition to the provisions of Section 4-4C-3-3 hereof and to the provisions of Section 4-4C-5 of this Article, the designated administrator of the Wastewater Division shall establish consistent procedures for the collection of sums that become due and owing under this Article. Such procedures may include the use of commercial collection agencies or other parties.

Additionally, the Director of Finance or other designated administrator shall report on a periodic basis to the City Director of Finance as to the amount and nature of all accounts due the City under this Article.

4-4C-4: EFFECTIVE DATE OF RATES: Effective December 1, 2002, all users shall be billed on a monthly bases. The rates and service charges established for user charges in Section 4-4C-2-3 through 4-4C-2-7, are effective as of December 1, 2003.

4-4C-5: SERVICE DISCONNECTION; NONPAYMENT OF BILL:

A. If the charges for the sewerage service of the City shall remain unpaid until the 10th day of the month next following the due date of the bill, the Code enforcement officer may elect to commence procedures resulting in termination of sewer service by notifying such customer in writing by certified or registered mail, return receipt requested or personal delivery, that said sewer service will be terminated. Said notice shall also specifically inform such use of the following:

1. The user may contact the Code Enforcement Officer to request a hearing on the matter; and

2. The said request must be made within three (3) days of the receipt of said termination notice; and

3. If said request is made, a hearing will be held within ten (10) days of the receipt of said delinquent notice; and

4. The service will be discontinued within ten (10) days of the receipt of said notice if no request for a hearing is made.

B. The Code Enforcement Officer shall advise anyone making a request for such a hearing of the time, place and date of hearing at such time said request is made.

C. If the findings at said hearing are adverse to the user, said decision shall be reduced to writing, with a copy thereof to be forwarded to said user, by certified or registered mail, return receipt requested, or personal delivery. Said decision should also contain the date on which service to the user in question will be discontinued.

D. In the event sewerage service has been discontinued due to nonpayment of bills, then such sewer service shall not be reconnected until all outstanding bills for sewerage service to the property have been paid in full and the cost incurred by the City as a result of the discontinuance and reinstatement of said service has been paid in full.

E. The person serving as Code Enforcement Officer shall serve as hearing officer for any hearings which may be held under this Section. In the event said person is unable to serve as said hearing officer, then the City Council shall designate an alternate hearing officer for any such hearings.

4-4C-6: APPEALS: The method of computation of rates and service charges established for user charges in Sections 4-4C-2-1 through 4-4C-2-6 shall be made available to a user within thirty (30) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the City within sixty (60) days after notification of a formal written appeal outlining the discrepancies.