

CHAPTER 20 WASTEWATER SERVICE CHARGES

ARTICLE I
Wastewater Service Charges

Sec. 1 Basis for wastewater service charges: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a Bloomington and Normal Water Reclamation District (BNWRD) user fee charge, an operation, maintenance and replacement (O, M & R) charge, a debt service charge and applicable surcharges.

Sec.2 The BNWRD user fee charge is levied on all users to recover the operation and maintenance costs plus equipment/facilities replacement costs associated with the treatment provided by the BNWRD and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations as indicated in the Bloomington and Normal Water Reclamation District's Ordinance ~~953~~ 972 and associated amendments:

- (a) A five day, 20 degree centigrade biochemical oxygen demand (BOD) of 200 mg/l.
- (b) A suspended solids content of 250 mg/l.

The BNWRD user fee charge shall be computed as follows and indicated in BNWRD's Ordinance ~~953~~ 972 and associated amendments:

- (a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- (b) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible.
- (c) Estimate total District-wide billable wastewater volume, pounds of TSS and pounds of BOD to be treated.
- (d) Compute costs per 1,000 gallons and per 100 cubic feet for normal sewage strength.
- (f) Compute surcharge costs per pound for BOD and TSS in excess of normal sewage strength for BOD and TSS.

Sec. 3 The O, M & R charge is levied on all users to recover the O, M & R costs associated with the sewage collection system and pumping station and shall be based on water usage as recorded by water meters or sewage meters.

Sec. 4 The debt service charge is computed by apportioning the annual debt service as a fixed charge per billing period.

Sec. 5 A surcharge will be levied to all users whose waters exceed the normal concentrations of BOD (200 mg/l) and TSS (250 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentrations for BOD and TSS respectively, in accordance with the BNWRD Ordinances ~~953~~ 972 and ~~954~~ 1032 and associated amendments.

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 Bloomington and Normal Water Reclamation District and shall be binding as a basis for surcharges.

Sec. 6 The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

Sec. 7 The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.

Sec. 8 Measurement of flow: 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 100 gallons.

- (a) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks 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 Village 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 Village if these volumes cannot otherwise be determined from the metered water consumption records.
- (c) 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, unless service is cancelled, without the consent of the Village.

Sec. 9 BNWRD User Fee Charge: There shall be and there is hereby established a current user fee charge of ~~\$1.63~~ 1.80 per 1,000 gallons of metered water consumption to be applied to all users to recover the Bloomington and Normal Water Reclamation District O, M & R and Treatment costs. The rate will be adjusted in accordance with the BNWRD fee schedule for the current year as established in the BNWRD Ordinance ~~953~~ 972 and ~~954~~ 1032 and associated amendments.

Sec. 10 Village O, M & R Charge: There shall be and there is hereby established a user charge of ~~\$0.98~~ (See VOD Fee Schedule) per 1,000 gallons of metered water consumption to

be applied to all users to recover O, M & R costs associated with the sewage collection system and pumping station.

Sec. 11 Village Debt Service Charge: There shall be and there is hereby established a debt service charge of \$ ~~17.00~~ (See VOD Fee Schedule) per month to all customers of the Downs water supply system and potential users of the Downs sewer collection system.

Sec. 12 Minimum Charges:

- a) A minimum BNWRD user charge of \$ ~~3.26~~ 6.60 per month shall be applied to all users whose water consumption does not exceed 2,000 gallons per month. (See Section 9)
- b) All customers paying the Village Debt Service Charge shall be charged a base Village O, M & R charge of \$ ~~5.00~~ (See VOD Fee Schedule) for the first 2,000 gallons of water used per month.

Sec. 13 ~~All non-metered residential users shall pay a flat rate wastewater service charge. The Village shall determine the expected average monthly water usage and use that quantity to determine the monthly flat rate service charge. A surcharge of 25% shall be added to all non-metered residential customers.~~

~~In the event use of the wastewater facilities is determined by the Village to be in excess of 10,000 gallons per month, the Village may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.~~

All users will be required to have a water meter in order to accurately bill for sewer usage.

Sec. 14 Surcharge rates: The rates of surcharges for BOD and TSS shall be as follows in accordance with the BNWRD Ordinances ~~953~~ 972 and ~~954~~ 1032 and associated amendments:

per lb. of BOD: \$0.17

per lb. of TSS: \$0.15

Sec. 15 Computation of Wastewater Service Charge: The wastewater service charge shall be computed by the following formula:

$$CW = (CT + CU) * (Vu - X) / 1,000 + CD + CMB + CMV + CS$$

Where:

CW = Amount of wastewater service charge (\$) per billing period.

CT = User Charge for BNWRD Treatment Costs (Sec. 9)

CU = User Charge for Operation, Maintenance and Replacement (Sec. 10)

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum charge (Sec. 12)

- CD = Debt Service Charge (Sec. 11)
- CMB = BNWRD Minimum Charge for Treatment Costs (Sec. 12)
- CMV = Village Base O, M & R Charge (Sec.12)
- CS = Surcharges, if applicable (Sec. 14)

ARTICLE II
General Provisions

Sec. 1 Bills: Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premise by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

Bills for sewer service shall be sent out by the Village Billing Office on the first day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable ~~20~~ 15 days after being sent out. A Village penalty of \$1.00 shall be added to all bills not paid by the 15th ~~20th~~ day after they have been rendered. A BNWRD penalty of 10% per month shall also be added to all bills not paid by the ~~20th~~ 15th day after they have been rendered.

Sec. 2 Delinquent bills: If the charges for such services are not paid within ~~20 days or 24~~ 25 days herein above mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Sec. 3 Lien-Notice of delinquency: Whenever a bill for sewer service remains unpaid for 60 days for monthly service after it has been rendered, the Village clerk shall 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 Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village clerk has notice of this, notice shall be mailed to the owner of the premises if his address be known to the clerk, whenever such bill remains unpaid for the period sixty days for a monthly bill after it has been rendered.

The failure of the Village clerk to 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 shall 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 by bill-in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the

Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid sixty days in the case of a monthly bill after it has been rendered.

Sec. 5 Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. 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 sum, 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 & Board of Trustees.

The Village treasurer shall receive all such revenues from the sewerage system and all other funds and moneys 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 Village of Downs". Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

Sec. 6 Accounts: 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 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 do 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 per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.
6. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

Sec. 7 Penalty: Any person, firm or corporation violating any provisions of this article shall be fined not less than \$10.00 dollars nor more than \$1,000.00 dollars for each offense.

Sec. 8 Access to Records: The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions hereof to insure compliance with the terms of the Loan Agreement and Rules of any State Loan.

ARTICLE III
Effective Date of Rates

The rates and service charges established for user charges in Article I shall be effective as of the fiscal year beginning 2011 and on bills to be rendered for the next succeeding month being March for monthly users. **Changes in rates will be based on the ordinances passed by BNWRD and changes made to the Village of Downs fee schedule.**

ARTICLE IV
Validity

That if any section, paragraph, clause or provision of this 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 user charges in Article I shall be made available to a user by the Village, within a timeframe in accordance with the Freedom of Information Act, after receipt of a written request for such is made to the Village.

Amended: 11/2/2017