

*Amended
#98-0-005*

ORDINANCE NUMBER 95-0-003

AN ORDINANCE AMENDING ORDINANCES NO. 665, 686, 687A, 737, 747, 80-0-3, 84-0-8, 87-0-004, 88-0-004 AND 95-0-001 ENTITLED "AN ORDINANCE REGULATING; THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES IN TO THE PUBLIC SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; THE LEVYING OF CHARGES FOR WASTEWATER SERVICES (USE CHARGES) IN THE METRO EAST SANITARY DISTRICT, COUNTIES OF ST. CLAIR AND MADISON, STATE OF ILLINOIS."

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF COMMISSIONERS OF THE METRO EAST SANITARY DISTRICT , ST. CLAIR AND MADISON COUNTIES, ILLINOIS AS FOLLOWS:

A. That the above ordinances be and the same are hereby amended to add and/or change to said ordinances the following provisions;

ARTICLE II - GENERAL PROVISIONS

Sec. 1 **Bills:** Said rates or charges for service shall be payable monthly or bi-monthly depending on the classification of service for which bills are rendered. 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 premises by the Metro East Sanitary District only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Metro East Sanitary District. Bills for the sewer service shall be sent out by the Metro East Sanitary District on the 10th day of the month or bi-monthly billing period succeeding the period for which the service is billed.

All sewer bills are due and payable on the 10th of the month following the one in which they are issued. All bills are delinquent after that time. Interest of 10 percent shall be charged to all bills commencing on the day following the due date.

Sec. 2 Delinquent bills: Failure to pay the charges for such services within 30 days after the bill is due shall be sufficient grounds for services to be discontinued without further notice. However, the Metro East Sanitary District shall not be required to discontinue services to any property. Any fees or costs for disconnection shall be deemed a charge for service and such charges may be included in any suit or lien.

Sec. 3 Lien-Notice of delinquency: Once a bill becomes delinquent, Metro East Sanitary District may record a notice of lien. The notice shall contain a sworn statement setting out (1) a description of the real estate sufficient for the identification thereof, (2) the amount or amounts of money due for such sewerage service, (3) the date or dates when such amount or amounts became delinquent and (4) a statement that any costs or attorney's fees incurred in connection with the foreclosure of the lien shall be added to the lien. This lien shall be assignable at the option of Metro East Sanitary District.

Metro East Sanitary District shall mail, by first class mail, to the owner or owners of the property (as determined by the taxpayer identification number), a copy of the notice of lien. The notice sent to the property owner shall further state that the charges are delinquent on the property and that the unpaid charges may create a lien on the real estate. Metro East Sanitary District may, but is not required to, mail the notice of lien prior to recording it.

It is only required that any notices under this paragraph be mailed to the property owner at their last known address. It is not necessary for Metro East Sanitary District to exercise any further efforts to locate the property owner. If Metro East Sanitary District has properly mailed a notice, the fact that the property owner did not actually receive a copy of the notice does not defeat the lien.

Sec. 4 Foreclosure of Lien: Metro East Sanitary District, or its assignee may foreclose its lien as a mortgage. All title costs, attorney's fees and other costs and expenses of the foreclosure shall be added to the lien.

Notice of Suit: Metro East Sanitary District shall also have the right to sue the owner, occupant or user of that real estate, or a person receiving any direct or indirect benefit from such services, in a civil action to recover money due for sewerage services, plus a reasonable attorney's fee, to be fixed by the court. Any and all suits or rights to sue may be assignable at the option of Metro East Sanitary District. However, prior to initiating suit, Metro East Sanitary District shall give notice of its intention to bring such an action to the owner of record (as determined by the taxpayer

identification number) by regular mail not less than 7 days prior to filing such an action.

It is only required that any notices under this paragraph be mailed to the property owner at their last known address. It is not necessary for Metro East Sanitary District to exercise any further efforts to locate the property owner. If Metro East Sanitary District has properly mailed a notice, the fact that the property owner did not actually receive a copy of the notice is not a defense to the action.

Sec. 4A Compromise of actions: Metro East Sanitary District shall have the right to compromise any suit or lien in the event it deems it in its best interests to do so.

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 Metro East Sanitary District treasurer separate and apart from his private funds and separate and apart from all other funds of the Metro East Sanitary District and all of said sum, without any deductions whatever, shall be delivered to the Metro East Sanitary District treasurer not more than ten days after receipts of the same, or at such more frequent intervals as may from time to time be directed by the President.

The Metro East Sanitary District 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 Metro East Sanitary District". Said treasurer shall administer such fund in every respect in the manner provided by the provisions of the revenue bond ordinance for bonds issued to construct facilities for the users of the system.

Sec. 6 Accounts: The Metro East Sanitary District 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 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;

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
2. Billing data to show total number of cubic feet 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 Notice of Rates: Each user will be notified by the Metro East Sanitary District in conjunction with a regular bill, of the rate and that portion of the user charges or Ad Valorem taxes which are attributable to wastewater treatment services, including the financial information of Section 6.

Sec. 8 Penalty: Any person, firm or corporation violating any provisions of this article shall be fined not less than One hundred dollars (\$100.00) nor more than Five hundred dollars (\$500.00) for each offense.

Sec. 9 Access to Records: The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Metro East Sanitary District which are applicable to the Metro East Sanitary District system of user charges 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.

All other provisions and terms set forth in the Ordinances hereby amended by adding and/or changing the foregoing shall remain in full force and effect unless they are contrary to the provisions of this amendment.

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law. Passed by the Board of Commissioners of the Metro East Sanitary District of Madison and St. Clair Counties of Illinois on the 19th day of July, 1995.

Metro East Sanitary District by:

Walter Greenhouse
PRESIDENT

ATTEST:

Sumner Keith
CLERK (SEAL)