

ORDINANCE NO. 571

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

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ORDINANCE NO. 571

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

AN ORDINANCE ADOPTING CHARGES FOR THE DISCHARGE OF DOMESTIC WASTEWATER AND COMMERCIAL AND INDUSTRIAL WASTES TO THE WASTEWATER FACILITIES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS.

WHEREAS, the Board of Trustees of the Greater Peoria Sanitary and Sewage Disposal District has, heretofore, adopted regulations for the purpose of regulating and controlling the use of public sewers and drains and the discharge of wastewaters into the sewerage system tributary to the wastewater treatment works of the District; and

WHEREAS, the Board of Trustees is desirous of providing for the equitable sharing of costs between domestic users and commercial and industrial users, and now establishing separate charges for the discharge of domestic and commercial and industrial wastewaters;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT:

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 101. “Ammonia Nitrogen” or “NH₃-N” shall mean the amount of ammonia, expressed in milligrams per liter of nitrogen as determined by Standard Methods.

Section 102. “Biochemical Oxygen Demand” or “BOD” shall mean a measure of the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter as determined by Standard Methods. Incubation at 20 degrees Celsius for 5 days shall be assumed unless otherwise stated.

Section 103. “Capital Improvement and Replacement” shall mean expenditures for obtaining and installing equipment, accessories, appurtenances or infrastructure, which are necessary to maintain or increase the capacity and performance of the sewage works.

Section 104. “Cesspool” shall mean a lined or partially lined underground pit into which household wastewater is discharged and from which liquid seeps into the surrounding soil.

Section 105. “Combined Sewer” shall mean a sewer that is designed and intended to receive wastewater, unpolluted water, storm water runoff and/or surface water.

Section 106. “Debt Service” shall mean the amount of money necessary annually to pay the interest on outstanding debt, to pay the principal of maturing bonded debt not payable from a sinking fund, or to provide a fund for the redemption of bonds payable from a sinking fund.

Section 107. “Director” shall mean the Executive Director of The Greater Peoria Sanitary and Sewage Disposal District of Peoria, Illinois, or his authorized deputy, agent or representative.

Section 108. “Disposal Service” shall mean that service provided to the users by the operation and maintenance of the District’s wastewater treatment works, interceptor sewers, trunk sewers and collection system pumping stations. Disposal service shall also mean that service provided to users whose building sewer connections are made to sewers operated and maintained by municipal corporate authorities other than the District (i.e., City of Peoria).

Section 109. “District” shall mean The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, acting by a duly constituted Board of Trustees or other duly authorized representative or representatives.

Section 110. “District Sewer” shall mean any sewer owned or under the jurisdiction of the District.

Section 111. “Domestic Wastewater” shall mean the wastewater including human wastes discharged from residential dwelling units as the result of human occupancy and/or the discharges from the sanitary conveniences of non-residential establishments.

Section 112. “Federal Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. 1251 et seq).

Section 113. “Federal Administrator” shall mean the Administrator of the U. S. Environmental Protection Agency.

Section 114. “Federal Grant” shall mean the U. S. government participation in the financing of the construction of treatment works as provided for by Title II – Grants for Construction of Treatment Works of the Act and implementing regulations.

Section 115. “Industrial User” shall mean any source of discharges to the publicly owned treatment works which includes industrial wastes regardless of the frequency or quantities of those discharges and shall include all indirect dischargers. All users of the publicly owned treatment works identified in the Standard Industrial Classification Manual are included unless determined to be discharging only segregated domestic wastewater as described in this Ordinance.

Section 116. “Industrial Wastes” shall mean any solid, liquid, or gaseous wastes or excess energy resulting from any process of industry, manufacturing, trade, service or business or from the development, processing or recovery of any natural resource.

Section 117. “Infiltration” shall mean the water unintentionally entering the sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

Section 118. “Inflow” shall mean the water discharged into the sewer system, including building drains and sewers, from such sources as, but not limited to, roof drains, cellar, yard, and area drains, foundation drains, unpolluted (except for heat) cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

Section 119. “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

Section 120. “Intercepting Sewer” shall mean a sewer that receives dry-weather flow from a number of transverse sewers or outlets and frequently additional predetermined quantities of storm water (if from a combined system), and conducts such waters to a point for treatment or disposal.

Section 121. “Isolated Sewerage System” shall mean a system for the collection, storage and treatment of wastewater which serves more than 15 persons.

Section 122. “Lateral Sewer” shall mean a public sewer, whose principal function is receiving wastewater from individual single family and multi-family residences and other establishments, which discharge directly, or through other interconnected lateral sewers, to a trunk sewer.

Section 123. “Lateral Sewer Service” shall mean that service provided to users who are connected to lateral sewer systems operated and maintained by the District.

Section 124. “Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act, or (d) is found by permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Section 125. “Milligrams per Liter” or “mg/L” shall mean a unit of the concentration of water or wastewater constituent or .001 grams of the constituent in 1,000 milliliters of water.

Section 126. “Mobile Home” or “Trailer Coach” shall mean any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways or designed to permit the occupancy thereof, as a dwelling place for one or more persons, provided that any such structure resting in whole on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a “Mobile Home” or “Trailer Coach”.

Section 127. “Multiple Dwelling Unit” shall mean any single structure designed for occupancy by more than a single family.

Section 128. “Operation and Maintenance Costs” shall mean all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement, treatment and collection of wastewaters necessary to insure adequate wastewater collection and

treatment on a continuing basis, conform to applicable regulations, and assure optimal long term operating facility management.

Section 129. “Ordinance” shall mean this Ordinance.

Section 130. “Other Wastes” shall mean garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dye stuffs, acids, chemicals and all other substances not sewage or industrial waste whose discharge would cause water pollution or violation of any effluent or water quality standards.

Section 131. “Person” shall mean any individual, partnership, co-partnership, association, joint venture, joint stock company, corporation, firm, company, trust, estate, political subdivision, governmental unit, governmental agency, or any other legal entity, and their legal representatives, agents or assigns.

Section 132. “Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the District’s treatment facilities.

Section 133. “Private Sewerage System” shall mean a system for the collection, storage and treatment of wastewater or other wastes, which serves less than 15 persons.

Section 134. “Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the District and shall also include sewers within or outside the District boundaries that serve one or more persons and ultimately discharge into the sanitary or combined sewer system, even though those sewers may not have been constructed with District funds.

Section 135. “Pumping Station” shall mean a station positioned in a public sewer system at which wastewater is elevated to a higher level.

Section 136. “Renewal” shall mean the expenditure of reserve funds or other funds to overcome physical and/or functional consumption of wastewater facilities capacity or function or obsolescence of same, in order that the equivalent in function of wastewater facilities is present at the end of the anticipated useful life.

Section 137. “Replacement and Improvements Reserve” shall mean an accounting for the designation of resources to meet capital consumption of personal and real property.

Section 138. “Residence” shall mean a single family dwelling or one dwelling unit including a mobile home unit.

Section 139. “Residential or Commercial” or “Non-industrial” user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Ordinance.

Section 140. “Sanitary Sewer” shall mean a sewer which is designed to carry sewage and industrial wastewater, and into which storm, surface waters, ground waters or unpolluted waters are not intentionally admitted.

Section 141. “Seepage Pit” shall mean and include a dry well, leaching pit or any other cavity in the ground, which receives human excrement and domestic wastewater or the liquid discharge of a septic tank.

Section 142. “Septic Tank” shall mean and include a septic toilet, chemical closet or any other water tight enclosure used for treating wastewater by a combination of settling and anaerobic digestion.

Section 143. “Servicing” or “cleaning” or “maintaining” shall mean cleaning and removing wastes from any septic tank, seepage pit, cesspool or other sewage and waste treatment facility or removing wastes from any business, commercial or industrial establishment and transporting such wastes to a point of disposal.

Section 144. “Sewage” shall mean household and commercial wastewater that contains human waste together with such other wastes, ground water, surface runoff, storm waters and unpolluted water as may be present. Sewage is also used interchangeably with “domestic wastewater”.

Section 145. “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 146. “Sewer” shall mean a pipe or conduit for conveying sewage or other waste liquids, including storm, surface and ground water drainage.

Section 147. “Sewerage” shall mean a complete system of sewers and appurtenances for the collection, transportation, pumping, treating and discharging of wastewater.

Section 148. “Shall” is mandatory; “May” is permissive.

Section 149. “Sinking Fund” shall mean an account or reserve established by periodic installments to provide for the retirement of the principal of term bonds and of other bonds specified to be retired from sinking funds.

Section 150. “Standard methods” shall mean the sampling and analytical techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling and analytical techniques for the pollutant in question, or where the District or Federal Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the Federal Administrator.

Section 151. “State Act” shall mean the Illinois Anti-Pollution Bond Act of 1970.

Section 152. “State Director” shall mean the Director of the Illinois Environmental Protection Agency.

Section 153. “State Grant” shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

Section 154. “Suspended Solids” or “SS” or “TSS” or “Total Nonfilterable Residue” shall mean total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by laboratory filtration using a Whatman 934AH Millipore AP-40, Gelman type A/E, or equivalent glass fiber filter disc and dried to constant weight at 103 – 105 degrees Celsius as prescribed in Standard Methods.

Section 155. “Tank” shall mean any container when placed on a vehicle or trailer to carry in transport wastes removed from a septic tank, cesspool, seepage pit, or other source.

Section 156. “Treatment Works” or “Sewage Treatment Plant” shall mean individually or collectively those facilities or devices, except sewers, used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of by-products from such wastewater.

Section 157. “Trunk Sewer” shall mean a sewer that receives many tributary branches and serves a large territory.

Section 158. “User” shall mean every person using any part of the wastewater facilities of the District. Every person who holds a legal, equitable or possessory interest in real estate connected to the District’s wastewater facilities, or who holds an interest in a land trust into which such real estate has been placed, or who receives any direct or indirect benefit from the real estate’s connection to the District’s wastewater facilities, shall be considered a user. This definition is meant to include but not be limited to persons such as trustees, beneficiaries, contract sellers, contract buyers, lessors and lessees.

Section 159. “User Charge” shall mean a charge assessed pursuant to the user charge system.

Section 160. “User Charge System” shall mean the system of charges established for the purpose of apportioning among users the cost of Operation and Maintenance, Debt Service and Replacement and Improvement Reserve requirements for the District.

Section 161. “User Class” shall mean the type of user either “domestic as residential or commercial (non-industrial)” or “industrial” as defined herein.

Section 162. “Wastewater” shall mean the spent water or used water of a community or industry and is a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions including polluted cooling water and the discharges (but not sludge) from pretreatment facilities.

Section 163. “Wastewater Facilities” or “Sewage Works” shall mean structures, equipment, and processes required to collect, convey and treat domestic and industrial wastes and dispose of the effluent and sludge.

Section 164. “Wastewater Source” shall mean any equipment, facility or other point source of any type whatsoever which discharges wastewater.

Section 165. “Wastewater Treatment Plant” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “wastewater treatment works” or “sewage treatment plant” or “water pollution control plant”.

ARTICLE II

DOMESTIC WASTEWATER CHARGE

Section 201. The domestic wastewater charge shall be applicable to all residential, commercial and institutional users discharging wastes with no unusual characteristics and to industries whose discharge consists of wastes from sanitary conveniences.

Section 202. The domestic wastewater charge shall be subject to periodic adjustment in conjunction with the industrial wastewater charges, as necessary to maintain adequate revenues and to meet Operation and Maintenance expenses, as shown by the Annual Budget for the current fiscal year, and the Debt Service requirements, if not derived from tax levies or the Capital Improvement and Replacement Surcharge, and such sums as set forth in the Annual Budget for capital expenditures.

Section 203. The procedure for determining from time to time the domestic users share of costs and the resulting domestic wastewater charges shall be as set forth in ARTICLE III for the establishment of the industrial wastewater charges.

Section 204. Classes of metered and unmetered domestic wastewater charges are, hereby, established, effective as hereinafter set forth. There shall be no discounts for increased quantity. All charges shall be billed on a cycle corresponding to the water meter reading schedule of the public water supplier serving each user, where applicable, or where not applicable, on a quarterly cycle to be determined by the District. On the effective date of this Ordinance, the charges are as described in Table A.

- 204.1 In those cases where a domestic unmetered user is discharging wastewater from a residential dwelling unit, and such residential dwelling unit consists of two (2) persons or less, the user may apply for and, subject to verification, shall receive a reduction in the quarterly charge. Such billable quantities shall be based upon 800 cubic feet (8 CCF) per person per quarter. The unit charges applied shall be, as set forth, in Table A, and in accordance with the class of service provided. Application for such reduction shall be made annually on a form provided by the District.
- 204.2 In those cases where a domestic unmetered user is discharging wastewater from a residential dwelling unit and all occupants of that dwelling unit are temporarily absent for a continuous period of at least one month, the user may make written application and, subject to verification, shall receive credit on the quarterly charge. In such cases, the credit shall be computed on a case-by-case basis, by multiplying the quarterly charge computed in Table A or Section 204.1 above by one-third for each full month of such absence.
- 204.3 For a domestic unmetered user discharging wastewater from other than residential dwelling units, the quarterly unit charge shall be as provided in Table A, which charge is based upon 3.5 persons per dwelling unit and 800 cubic feet (8 CCF) per person per quarter. In such cases, the charge shall be computed, on a case-by-case basis, and shall consider the average number of persons served and the average number of hours a day the service is provided.

204.4 In those cases where a domestic user is discharging wastewater from other than residential dwelling units and (a) where that user has both metered and unmetered sources of water, or (b) where the Director has determined on a case by case basis that Section 204.3 cannot be applied fairly and equitably, the user shall be required to meter all water used and discharged to the sewers. In all such cases, the unit charges shall be as set forth in Table A and in accordance with the class of service provided.

Section 205. Where any person desires to transport and discharge wastewaters or other wastes from any tank, septic tank, seepage pit, cesspool, private or isolated sewage system, treatment works, business, commercial or industrial establishment, to a public sewer or appurtenance and a permit for such discharge has been issued by the District, there shall be a charge levied for such discharge. On the effective date of this Ordinance, the charges will be as described in Table A.

205.1 For any wastewater or other waste that is of an industrial origin, or is classified an industrial waste, the charge shall be in accordance with the provision as specified in ARTICLE III, INDUSTRIAL WASTEWATER CHARGES.

Section 206. Credit shall be given for water used but not discharged to the sewers as follows:

206.1 By separate metering such as to permit determination of the quantity of water used and discharged to the sewers, or

206.2 Credit shall be allowed for lawn sprinkling at single family and two family residential dwellings. This credit shall be in the form of a discount on Commercial Domestic rates. This rate shall be known as Residential Domestic, as listed in Table A.

206.3 A living unit of a multiple dwelling shall be considered a single family residence for billing purposes and be eligible for receiving the credit as set forth in Section 206.2 in accordance with both of the following requirements:

206.3.1 The interior plumbing of the multiple dwelling is such that each living unit's water consumption is metered separately from other living units.

206.3.2 The metered water consumption of the living unit includes that water discharged from exterior spigots.

206.4 By determination made pursuant to ARTICLE IX, REVIEWS AND APPEALS.

206.5 Credits in accordance with 206.2 and 206.4 above may be subject to such periodic review and adjustments as may be appropriate.

Section 207. For a domestic user discharging wastewater by direct pipeline connection from a source located outside the corporate limits of the District, the rates stated in Table A shall be increased by a factor of 2.0.

ARTICLE III

INDUSTRIAL WASTEWATER CHARGES

Section 301. Industrial wastewater charges shall be applied to all Industrial Users as defined in ARTICLE I. For purposes of this Article, Industrial User shall also mean any other industrial, commercial, or institutional user of the sanitary sewerage system and the District's treatment works who shall be so classified by the District, by reason of the volume and/or characteristics of the waste discharged or of the type, extent and nature of the facilities used and required to provide service to such user.

Section 302. Billings to industrial users shall be made on a billing cycle, as hereinafter set forth, and shall be based on separate charges for the following:

- 302.1 Wastewater Quantity (Q) per 100 cubic feet, which shall vary depending on whether the District does or does not provide lateral sewer service.
- 302.2 Suspended Solids (S.S.) per pound.
- 302.3 Biochemical Oxygen Demand (B.O.D.) per pound.
- 302.4 Ammonia Nitrogen (NH₃-N) per pound.

Section 303. The industrial wastewater charges shall be established annually on the current Annual Budget for the District's facilities. The charges, so computed, shall be the basis for estimating the monthly billings to each such customer for each current fiscal year. Measurements of flow and laboratory tests and analyses shall be performed by the industrial user as provided in those sections of an ordinance regulating the usage of public sewers.

Section 304. The costs included in the computation of estimated charges based on the Annual Budget for the fiscal year, shall included the following:

- 304.1 Operation and maintenance expenses.
- 304.2 Interest and principal on outstanding bond issues, if not derived from tax levies or the Capital Improvement and Replacement surcharge.
- 304.3 The general benefit share of outstanding special assessment projects, if not derived from tax levies.
- 304.4 Capital improvement expenditures from current revenues.
- 304.5 Deposits to create or increase a reserve for future defined uses.

Section 305. The total annual costs for the system shall recognize at least the following subdivisions:

- 305.1 Lateral and trunk sewer system, if such are operated and maintained by the District.

- 305.2 Intercepting sewer system.
- 305.3 Pumping stations.
- 305.4 Wastewater treatment plants.
- 305.5 General administration including billing costs.

Section 306. The cost distribution shall permit the establishment of realistic total annual costs to the two basic classes of users for the following functions or purposes:

- 306.1 Wastewater Quantity (Q).
- 306.2 Removal of Biochemical Oxygen Demand (B.O.D.).
- 306.3 Removal of Suspended Solids (S.S.).
- 306.4 Oxidation of Ammonia Nitrogen (NH₃-N).

Costs not related to any of the foregoing functions or purposes, such as general administration and billing and collection, shall be distributed among the several functions by such other parameters as will produce a reasonable apportionment of such costs to each user.

Section 307. The annual cost distribution shall distinguish between current operations and maintenance costs and non-operating expenditures including principal and interest on the bonds outstanding, the general benefit share of special assessment projects, capital expenditures from current revenues, and any sums budgeted for future reserves. The distribution of debt service, and debt service coverage, if required, to function shall be in accordance with the application of the bond funds to the construction of the facilities having such functions.

Section 308. The annual distribution shall be in accord with the general principles set forth in "Financing and Charges for Wastewater Systems", A Joint Committee Report of the American Public Works Association, American Society of Civil Engineers and the Water Pollution Control Federation, 1973. The District shall maintain summarized data showing the development of the annual charges and copies, thereof, shall be made available upon request.

Section 309. Effective May 1, 2009 and for each fiscal year period thereafter, the annual charges shall be as approved and adopted by the Board of Trustees in accordance with the provisions contained in ARTICLE VII, ADOPTION AND NOTICE OF RATES.

Section 310. On the effective date of this Ordinance the industrial waste charges are as described in Table A.

- 310.1 The industrial wastewater charges shall be in effect on the effective date of this Ordinance, and after written notice from the Director of classification as an industrial user. Said wastewater charges shall, therefore, apply both to all wastewater treated during the billing cycle in which the ordinance becomes effective, including that portion of wastewater treated and not billed prior to this Ordinance's effective date, and to all wastewater treated in subsequent billing cycles until such time as this Ordinance may be amended. All charges shall be

billed on a cycle corresponding with the water meter reading schedule of the public water supplier serving each user where applicable, or where not applicable, on a monthly cycle to be determined by the District.

Section 311. The Director may establish classes of Industrial Users to whose wastewaters representative strengths are assigned. Such class of wastewater characteristics may recognize analyses of representative users of each class in the District and/or typical data from other sources. Actual data for each Industrial User's wastewater shall be used whenever possible. Any Industrial User, to whose wastewaters standard strength parameters have been applied, may request analysis of his wastewater, and upon determination of the characteristics on samples representative of the wastewater on not less than three working days, such characteristics shall be used in determining the charges until the wastewaters may again be sampled.

Section 312. The Director may consolidate the component charges of the industrial wastewater charges into a single volume charge which includes the characteristics of charges computed for a unit volume of 100 cubic feet. Such a weighted volume charge may be applicable to a class of users or to each user where his actual wastewater characteristics are known.

Section 313. Industrial Users exhibiting marked seasonal load variations shall pay charges, which recognize the dedication or reservation of capacity for the treatment of their seasonal peak operating loads, and any unusual operation and maintenance costs directly related to such seasonal loads.

Section 314. The assignment of user classifications shall be in general accord with the classifications set forth in the "Standard Industrial Classification Manual", Executive Office of the President, Office of Management and Budget, 1972 and any subsequent amendments that may be made hereafter.

Section 315. All industrial users, that are subject to the industrial wastewater charges as set forth in this Article, shall be required to meter all water used and discharged from their property to the sewers. This provision shall apply to all water sources, both public and non-public (i.e., wells, etc.). Credit will be allowed for metered water used but not discharged to the sewers by separate metering such as to permit determination of the quantity of water used and discharged to the sewers. Those industrial users that are required to continuously monitor and report the volumes and strength of wastewater flows discharged to public sewers are exempt from this provision as it would apply to the flows so monitored and reported.

Section 316. For an industrial user discharging wastewater by direct pipeline connection from a source located outside the corporate limits of the District, the rates stated in Table A shall be increased by a factor of 2.0.

ARTICLE IV

INDUSTRIAL WASTEWATER SURCHARGE

Section 401. An industrial user who has been issued a Wastewater Discharge Permit under an ordinance regulating the use of public sewers shall be subject to a surcharge for loadings (Wastewater Quantity, Biochemical Oxygen Demand, Suspended Solids, and Ammonia

Nitrogen) on those days and months in which the industrial user exceeds the daily maximum and/or monthly average discharge limit contained in the current Wastewater Discharge Permit issued to that industrial user.

Section 402. The industrial waste surcharge rate shall be calculated by the following formula:

$$S=A/L*U$$

Where:

S = Surcharge rate

A = Actual daily maximum and/or monthly average discharge in pounds for CCF

L = Daily maximum and/or monthly average permit limit in pounds or CCF

U = Current industrial user charge rate for the respective billing parameter

Section 403. For exceedances of daily maximum limits, the surcharge rate shall be applied to the total load discharged on that day.

Section 404. For exceedances of monthly average limits, the surcharge rate shall be applied to the difference between the actual monthly average discharge and the monthly average permit limit times the number of days in the month.

Section 405. The daily maximum and monthly average surcharges shall not be mutually exclusive. The surcharge may be assessed using the industrial user's or District's monitoring data with the District's monitoring data taking precedent. These charges are in addition to any user charges, fines, penalties or other actions taken by the District as a result of violations of Wastewater Discharge Permit conditions.

ARTICLE V

DEBT SERVICE AND CAPITAL IMPROVEMENTS AND REPLACEMENT

Section 501. Current general tax revenues may be collected for payment of the annual interest and principal on outstanding bond issue and the general benefit share of outstanding special assessment projects (i.e., Public Benefit portion of a project) and for any other purpose provided by law not related to the operation, maintenance and replacement of wastewater facilities.

Section 502. A surcharge shall be established to pay for all Capital Improvements and Replacements or including Debt Service of the District as defined in ARTICLE I, Sections 103 and 106. The surcharge will be a percentage based on all the District user charges established in ARTICLE II – DOMESTIC WASTEWATER CHARGE and ARTICLE III – INDUSTRIAL WASTEWATER CHARGES.

502.1 The surcharge shall be set based on the Annual Budget goals for the fiscal year and listed as a percentage and stated in Table A.

502.2 The surcharge will apply to all District User Charges beginning on November 1, 2005 and thereafter. Such Surcharge shall be included as a separate line item on

invoices to Users, and shall be billed to such Users in accordance with the billing parameters as set forth in this Ordinance.

502.3 Funds collected from the surcharge shall be accounted for separately. Amounts remaining, in any given year, shall be designated for future uses.

502.4 Debt Service shall be paid from this account unless another account has been established for special assessments to pay Debt Service costs for special assessments, in which case the District portion of the Debt Service for such assessments shall be transferred to the special assessment account for Debt Service payment to be made.

502.5 This surcharge shall be known as the Capital Improvement and Replacement Charge.

ARTICLE VI

RESPONSIBILITY, PAYMENT AND DELINQUENCIES

Section 601. Every user shall be jointly and severally responsible for the payment of all user charges for the real estate in which such user has an interest.

Section 602. A bill for all charges specified in this Ordinance shall be produced for each property once every monthly, quarterly or annual billing cycle or other cycle as established by the District. It shall be the policy of the District to send user charge bills only to the record owner of the real estate except that the Director shall have the authority to make reasonable exceptions to this policy. The charges, so billed, shall be considered delinquent unless payment is rendered and applied to the account on or before the due date. Users shall be notified of delinquent billings on a cycle established by the District. Delinquent billing shall be subject to the payment of interest at a rate as described in Table A. All delinquent accounts may also be subject to such additional costs and penalties as may be otherwise provided in this Ordinance.

Section 603. Any amounts that are delinquent shall be subject to collection under the terms and conditions of ARTICLE XI, PENALTIES, and, in addition, to any resolution that may be adopted from time to time by the District setting forth procedures for the collection of delinquent amounts.

Section 604. Non-receipt of any bill for charges made under this Ordinance shall not release liability of the user for the charges. In any case where the user is responsible for the non-receipt of the bill, the conditions, hereafter described for late payment and penalties shall apply hereto. In any case where the District is responsible for the non-receipt of the bill, the District may, at its discretion, grant the user an extension of the late payment conditions.

Section 605. In the event a user charge for any real estate is not paid when due, the District shall have the right to enforce any agreement with a water service provider or remove or close any connection of that real estate to the District's wastewater facilities pursuant to the provisions of this Ordinance.

Section 606. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating penalties as specified in this Ordinance.

Section 607. Wastewater charges for users of occupied and unoccupied property that are based upon unmetered uses or flat rates per month as set forth in ARTICLE II shall be in accordance with the following:

- 607.1 For all occupied property, the charge shall begin 60 days after the sewer service becomes available or the day connection is made to a public sewer, whichever comes first.
- 607.2 For all unoccupied property, the charge shall begin 30 days after the property is ready for occupancy or on the first day of occupancy, whichever comes first.
- 607.3 All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property.

Section 608. Should any user believe that he has been incorrectly assigned to a particular user class, or incorrectly assigned a wastewater volume or strength or should any user believe that a portion of his metered flow is not discharged to the wastewater facilities, that user may apply for a review of his charge as provided in ARTICLE IX, REVIEWS AND APPEALS.

ARTICLE VII

ADOPTION AND NOTICE OF RATES

Section 701. Effective May 1, 2009 and for each fiscal year, thereafter, all annual unit rates and charges, as set forth in this Ordinance, will be reviewed, approved and adopted by the Board of Trustees, in accordance with the following provisions. The revised annual unit rates and charges shall be adopted in the form of an amending ordinance and shall amend the following rates and charges in Table A.

Section 702. Revisions of the unit rates and charges contained, herein, shall be adopted by the Board of Trustees from time to time as they may deem appropriate.

Section 703. The following provisions shall be deemed notice to all users of the annual unit rates and charges for the wastewater facilities of the District on the properties:

- 703.1 A copy of this Ordinance shall be published one (1) time in a secular newspaper of general circulation in the City and County of Peoria, Illinois. Publication shall be not more than ten (10) days following adoption of the annual unit rates and charges.

ARTICLE VIII

ACCESS TO RECORDS

Section 801. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the District which are applicable to District's 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.

ARTICLE IX

REVIEWS AND APPEALS

Section 901. Any user who feels that the charges contained within the intent of the provisions of this Ordinance are inequitable or incorrect as applied to the affected premises, may request a review of the charge. A review may also be requested for record changes, adjustments, credits and changes in wastewater classifications. A request may be made orally; however, the District reserves the right to require that the request be made in writing. Requests for a review shall be in accordance with the following:

- 901.1 A user should contact the District to ascertain what information is required by the District to resolve the review. As a minimum, the request should include actual or estimated volumes and/or strengths of the wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Historical measurements and/or records should also be included and considered, whenever possible.
- 901.2 An initial review requested and submitted in writing must be dated and signed by the user. Said written appeal shall include all information necessary to resolve the review. Requests for Review may be made on forms provided by the District when available.
- 901.3 An initial review by an industrial user, or domestic user applying to become an industrial user, shall also include the following:
 - 901.3.1 All standard Industrial Classifications applicable to the user and in accordance with the provisions of Section 314.
 - 901.3.2 When necessary, actual volumes and strengths of the user's wastewater in comparison with values upon which his charge is based. Such strengths shall be based upon determination of the characteristics of samples representative of the wastewater on not less than three working days and in accordance with the provisions of Section 311.
 - 901.3.3 Copies of all original data and computations and an explanation of how measurements were made, whenever volumes and strengths, submitted according to Sub-Section 801.3.2, are based on information not directly available to the District.

901.4 An initial review may be resolved by District personnel using procedures approved by the Director. Such procedures shall result in written or oral reply to the user within 30 days of receiving the review.

901.5 Where such reply to an initial review is inadequate in the view of the user, the user may make a written appeal to the Director. Upon receipt of a written appeal, the Director shall respond to the user and, except for those cases involving a dispute by an industrial user, the decision of the Director shall be final and binding.

901.6 Where an industrial user remains dissatisfied with the charge after receiving a response from the Director, the user may re-submit his written appeal to the Trustees of the District with a written request for a final determination.

Section 902. The Director shall establish procedures and determine what information shall be required of users, as necessary to implement this Article.

Section 903. If a user's appeal is determined to be substantiated, the charges shall be recomputed for that user based upon his appeal and, where sufficient information is available, the new charges thus recomputed shall be applicable retroactively up to six (6) months.

Section 904. The District shall not initiate any action resulting in a disconnection of service, as set forth in other provisions of this Ordinance, until an appeal is resolved.

ARTICLE X

ACCOUNTING FOR REVENUES AND EXPENSES

Section 1001. The District shall establish a proper system of funds and accounts and shall keep all necessary financial records, books and accounts in which complete and correct entries shall be made of all transactions relative to the wastewater facilities, including assets, liabilities, revenues and expenses.

Section 1002. The District shall cause an annual audit to be made, of all fiscal year transactions, by an independent firm or certified public accountants which audit shall be duly filed in accordance with the laws of the State of Illinois and shall, in addition, be available for public inspection.

Section 1003. The District shall account for all revenues and expenditures that are generated in connection with the charges provided under the terms of this Ordinance in accordance with generally accepted accounting principles and the laws of the State of Illinois.

ARTICLE XI

PENALTIES

Section 1101. Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) for each violation, in accordance with the terms and provisions of Section 6.1 of the “Sanitary District Act of 1917” (70 ILCS 2405/6.1, as amended). For the purpose of this section, each day in which any such violation shall continue shall be deemed a separate offense, and for each separate violation such person shall be similarly fined in an amount not exceeding Five Hundred Dollars (\$500.00).

Section 1102. Any person who shall violate any provision of this Ordinance shall also be:

- 1102.1 Liable to the District for all costs, expenses, loss or damage, if any incurred by the District as the result of such violation.
- 1102.2 Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.
- 1102.3 Subject to a lien upon said property in the amount of any costs described in ARTICLE XI, Section 1102.1 above.

Section 1103. Whenever bills for wastewater treatment and collection become delinquent as set forth in ARTICLE VI hereof, the same shall become and constitute a lien upon the real estate to which service is supplied pursuant to the terms and provisions of Section 7 and Section 11a of the “Sanitary District Revenue Bond Act (70 ILCS 3010/7211a), as amended”. Statements rendered for such charge shall be deemed notice to all parties, whether or not served. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate, sufficient for the identification thereof, upon or for which the service was supplied, (b) the amount or amounts of money due for such service, and (c) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording, as provided by law, the District may foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, the District, may, in its discretion, file suit to collect such amounts as are delinquent and due against the user 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. In addition to penalties and costs attributable and chargeable to the recording or such notices of lien, the user shall be liable for interest upon all unpaid balances, after delinquency remaining from time to time, unpaid at the rates set forth in Section 602. of ARTICLE VI, RESPONSIBILITY, PAYMENT AND DELINQUENCIES.

- 1103.1 In the event that a payment received by the District, whether by check, money Order, credit or debit card, electronic transfers or any other means of payment is returned or does not clear for lack of funds or other reasons shall be subject to a service fee. This service fee, as listed in schedule A, shall be charged to the payer, or the customer, on whose behalf the payment was presented, for each payment returned because of insufficient funds, stopped payment, account closed, or any other reason resulting in nonpayment to the District.

Section 1104. In all cases where the user charge has become delinquent and the District elects to file a statement thereof in the Office of Recorder of Deeds as hereinabove set forth, there shall be added in addition to the amount due the District such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the District as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Director or a duly appointed employee of the District shall be authorized and directed to include such additional costs in the amount claimed due the District in the Notice of Lien.

Section 1105. All amounts charged under this Article are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the District is paid in full for all amounts due it.

Section 1106. The Director is, hereby, authorized to sign and file, for and on behalf of the District, all liens and release of liens as may be required in accordance with the provisions of this Article.

ARTICLE XII

DISCONNECTION

Section 1201. In the event a user charge for any real estate is not paid when due, the District may prepare a Notice of Violation to be served on the user in any of the following manners, or combinations thereof:

- 1201.1 By regular first class mail addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1201.2 By certified or registered mail, return receipt requested, addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1201.3 By personal or abode service in a manner that, and by a person who, would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- 1201.4 By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served not less than ten (10) days before the date set therein for a compliance meeting where the service is by mail and not less than five (5) days before the compliance meeting date where personal or abode service is utilized. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary.

Section 1202. The Notice of Violation shall specify the amount of delinquent user charges and penalties, the period of delinquency, the service address, and the time and place for a compliance meeting to be attended by the Director and by the user. The District may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Section 1203. Any request for a continuance must be in writing setting forth in detail the reasons for the request. The Director may grant or deny continuances upon said written request.

Section 1204. The purpose of the compliance meeting shall be to attempt to obtain a voluntary plan to remedy the delinquent user charges.

Section 1205. The compliance meeting shall be conducted by the Director or his designee. No formal rules of evidence shall be in effect and the proceedings need not be transcribed by a court reporter. The Director and user shall discuss a compliance schedule for remedying the delinquent charges. As a part of any agreement between the District and the user, the user may agree to immediate shutoff/turnoff of water to the subject real estate upon default without further hearing or notice.

Section 1206. Within ten (10) working days following conclusion of the compliance meeting, a letter shall be issued by the Director indicating the results of the meeting and setting forth any Compliance Schedule developed for remedying delinquent user charges. This letter may specify dates of future meetings as may be required to monitor progress in remedying the delinquent charges. If no voluntary agreement to remedy the delinquent charges is reached, the Director may in his letter make any of the recommendations to the Board of Trustees that a hearing officer could make under Section 1219, and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer had made the recommendations to it. The letter shall be served on the user by one or more of the methods prescribed in Section 1201. If the Director recommends in the letter that the Board of Trustees order disconnection of the subject real estate from the District's wastewater facilities, the letter shall advise the user that he may within ten (10) days request in writing that a show cause hearing be held pursuant to Section 1211, through Section 1217. If the user's request for a show cause hearing received by the Director within ten (10) days of the date of service of the Director's letter, the Board of Trustees shall defer action on the Director's recommendation of disconnection until after the shown cause hearing is held and the hearing officer has made his recommendations.

Section 1207. In the event there is a default in a Compliance schedule at a compliance meeting, the Director may proceed under Section 1206, the same as if no voluntary agreement had been reached, and the user shall have the same right to request a show cause hearing as he would under Section 1206.

Section 1208. In the event the user does not appear at the compliance meeting as noticed, the Director may make any recommendations to the Board of Trustees that a hearing officer could make under Section 1219, and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer made the recommendation to it. In addition the Director may recommend that the water service to the subject real estate be shut off/turned off, pursuant to an agreement between the District and a public or private water service provider.

Section 1209. The Director is, in his discretion, hereby empowered, whether or not a compliance meeting or show cause hearing procedure is pending, to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user or other person relating to the user charges for real estate. Such documents may include, among other things, compliance schedules, stipulations of fact or law, specified remedial actions, and must include the signatures of the user or other person or their authorized representatives and the Director. Upon approval by the Board of Trustees, consent orders shall have the same force and effect as orders issued pursuant to Section 1221.

Section 1210. The compliance meeting is an optional procedure which may be instituted by the District. The Director may at any time cancel, terminate, or bypass the compliance meeting and require the user to show cause why the subject real estate should not be disconnected from the District's wastewater facilities whenever the Director determines it is in the best interests of the District to so proceed.

Section 1211. The show cause hearing procedure shall be initiated by the Board of Trustees upon recommendation of the Director or upon request by a user pursuant to Section 1206. At such time, the Board of Trustees shall appoint an impartial hearing officer.

Section 1212. Upon initiation of the show cause hearing procedure, the District shall prepare a Notice to Show Cause stating the delinquent amount and penalties, the delinquent period, the service address, the time and place of a show cause hearing, the name and address of the hearing officer, and requiring the user to appear at the hearing and show cause, if any, why the subject real estate should not be disconnected from the District's wastewater facilities. The Notice of Show Cause shall be served on the user in any of the following manners, or combinations thereof:

- 1212.1 By regular first class mail addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1212.2 By certified or registered mail, return receipt requested, addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1212.3 By personal or abode service in a manner that, and by a person who, would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice laws in Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- 1212.4 By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice to Show Cause shall be served not less than fifteen (15) days before the date set therein for the show cause hearing where the service is by mail and not less than ten (10) days before the show cause hearing date where personal or abode service is utilized. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice to Show Cause

is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary. The District may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Section 1213. Any request for a continuance must be made in writing to the hearing officer setting forth in detail the reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests, and may, if he desires, ask for the Director's response to the request before ruling, a copy of which response shall be provided to the requesting party by the Director by regular mail or personal delivery. Additionally, the hearing officer may in his discretion ask for argument before ruling. The grant of a continuance may be conditioned on such terms as the hearing officer believes appropriate.

Section 1214. Upon written request prior to the hearing, the District shall provide the following by regular mail or personal delivery:

1214.1 A list of all witnesses expected to testify at the show cause hearing; and

1214.2 Copies of any documents expected to be used at the show cause hearing.

Section 1215. The District shall make its employees available for examination at the show cause hearing upon written request. Further, upon written request, the Hearing Officer shall request the presence of any other person the user expects to examine as a witness at the show cause hearing.

Section 1216. The Director may enter into stipulations of fact or law on behalf of the District.

Section 1217. The following procedures shall apply to all show cause hearings:

1217.1 The show cause hearing shall be recorded by a certified court reporter or by tape recorder;

1217.2 The hearing officer shall open the hearing by stating his name and stating the user's name and the service addresses involved;

1217.3 The hearing officer shall ask for the appearances of the parties and in responding thereto any persons representing the various parties shall state for the record their names, their business addresses and whom they represent;

1217.4 The District shall offer a copy of the Notice to Show Cause together with the affidavits of service, as an exhibit into evidence. The user shall be given an opportunity to object to the form or sufficiency of notice. Notice may be waived by the user;

1217.5 The hearing officer shall determine for the record whether due notice was given;

1217.6 Following the determination of notice, the hearing officer shall solicit an opening statement from the District and then from the user;

1217.7 Following the opening statements, the District shall call and examine its witnesses and present its documentary and physical evidence. The user shall

be afforded an opportunity to cross-examine the witnesses and object to any evidence offered;

1217.8 After the District presents its witnesses and other evidence, the user shall be afforded the same opportunity to call witnesses and present evidence. The District shall be afforded the opportunity to cross-examine the witnesses and object to any evidence offered;

1217.9 The hearing officer shall accept or reject any offered evidence. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply. All evidence which is relevant and authentic may be accepted into evidence;

1217.10 Following the presentation of witnesses and other evidence the hearing officer shall solicit closing statements from the District and then from the user, and then rebuttal from the District;

1217.11 The hearing officer may suspend the hearing to show cause and set a date on which the hearing is to continue.

Section 1218. The District shall have the burden of showing by a preponderance of the evidence the following elements:

1218.1 Notice of the hearing conforming to the provisions of this Article, if not waived by the user;

1218.2 Service provided to the service address(es) and user charges for such services;

1218.3 Non-payment of the user charges.

Section 1219. The hearing officer shall render a decision in writing with specific findings as to the elements set forth in Section 1218. herein within thirty (30) days of the hearing or within such longer period as the hearing officer deems necessary so long as notice is given to the parties of the longer period. If the hearing officer finds that the District has proven each of the elements set forth in Section 1218. herein, the hearing officer shall make a recommendation to the Board of Trustees. That recommendation may be that the subject real estate be disconnected from the District's wastewater facilities immediately, or after a stated period of time during which the user may cure the delinquency, or that no disconnection take place because the user has a justifiable reason for non-payment of user charges.

Section 1220. In all cases where the hearing officer finds that the District has proven non-payment of user charges, the hearing officer may assess the costs of enforcement as part of the recommendations. These costs shall include hearing officer fees, service fees, reasonable attorney's fees and disconnection charges.

Section 1221. Upon the submission of a recommendation of the Director or a hearing officer made in accordance with the provisions of this Article, the Board of Trustees may order disconnection of real estate from the District's wastewater facilities upon such terms and conditions as the Board deems appropriate. The Board of Trustees may order such a disconnection even though the Director or the hearing officer did not recommend disconnection

if after its review of the record the Board concludes disconnection is appropriate and not contrary to the manifest weight of the evidence.

Section 1222. A Notice of Disconnection shall be served by one of the methods prescribed in Section 1212, at least thirty (30) days prior to the disconnection date to the users. The Notice of Disconnection shall state the service address, the amount of delinquent charges, interest, penalties, and the earliest date on which disconnection might take place.

Section 1223. A property disconnected from the sewer pursuant to the provisions of this Ordinance may be reconnected upon payment by cash or certified funds of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the District in performing the disconnection as well as costs assessed by the hearing officer at the show cause hearing. Any reconnection pursuant to this Section must comply with all Ordinances of the District.

Section 1224. In lieu of or in addition to the procedures set forth in Section 1201, through Section 1210, pertaining to compliance meetings, the District may enter into agreements with one or more water service providers who provide water service to District users. These agreements may provide for shut off (turn off) of water service for nonpayment of sewer user fees due the District and they shall be entered into in accordance with the provisions of 70 ILCS 3010/7, as may be amended from time to time, or other similar statutory authority. The procedures to be followed for water shut off shall be those set forth in Section 1224, through Section 1227. The fees for shut off of water service shall be as listed in Table A.

Section 1225. A water shutoff notice – Notice of Violation shall be prepared and served on the user in the manner set forth in Section 1201. It shall specify the total amount of delinquent user charges (including penalties, collection costs including attorney fees, recording fees, fees for restoration of water service if the water is shut off, etc.), that the delinquency is for more than 30 days, the service address, the phone number to call if the user disagrees with the correctness of the delinquency, the time period in which the user may call the District to discuss the correction of the delinquency, and such other information as the District may wish to include. The user may request a compliance meeting (Section 1201, through Section 1210.) or a show cause hearing (Section 1211, through Section 1221.) at any time prior to the expiration of the time period set forth in the Notice of Violation.

Section 1226. Upon submission of the recommendation of the Director for water shutoff/turnoff of a particular property or properties pursuant to an agreement as set forth in Section 1224., the Board of Trustees may approve or disapprove the Director's recommendation by resolution adopted at a meeting of the Board, and thereafter such water service shall be shut off or turned off pursuant to the provisions of said agreement or agreements.

Section 1227. Water service shut off/turned off pursuant to Section 1224, through Section 1227, shall be turned on only upon payment by cash or certified funds of all outstanding charges, interest and penalties, and payment of all costs and fees (including fees paid to the provider of water service for shutoff/turnoff and lost revenue) incurred by the District. Any turn on or resumption of water service shall comply with the provisions of any agreement with the water service provider and all Ordinances of the District.

ARTICLE XIII
VALIDITY

Section 1301. An ordinance entitled "AN ORDINANCE ADOPTING CHARGES FOR THE DISCHARGE OF DOMESTIC WASTEWATER AND COMMERCIAL AND INDUSTRIAL WASTES TO THE WASTEWATER FACILITIES OF THE GREATER PEORIA SANITARY AND SEWAGE DISTRICT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS" passed, signed and recorded on June 15, 1993, together with amendments passed, signed and recorded on July 19, 1994, July 18, 1995, June 17, 1997, April 21, 1998, April 20, 1999, April 25, 2000, April 17, 2001, April 16, 2002, April 29, 2003, April 20, 2004, August 17, 2004, September 21, 2004, April 19, 2005, April 19, 2006, April 17, 2007 and April 15, 2008 and an ordinance entitled "AN ORDINANCE ESTABLISHING FEES FOR ALL RETURNED PAYMENTS RECEIVED BY THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT" passed, signed and recorded on February 17, 2004 are hereby repealed; said repeal shall not affect the validity or enforceability of user and/or other charges and causes of action accrued pursuant to said prior Ordinances.

Section 1302. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such involved part or parts.

ARTICLE XIV

EFFECTIVE DATE

Section 1401. This Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law.



THE GREATER PEORIA SANITARY
AND SEWAGE DISPOSAL DISTRICT

By Michael F. Menke
President, Michael F. Menke

ATTEST:

Brian B. Fengel
Clerk, Brian B. Fengel

Passed: March 17, 2009
Approved: March 17, 2009
Recorded: March 17, 2009
Published: March 20, 2009
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