

ORDINANCE NO. 627

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

AN ORDINANCE ADOPTING CHARGES FOR SEWAGE TREATMENT CAPACITY, THE EXTENSION OF PUBLIC SEWERS, THE RECOVERY OF CAPITAL, THE CONNECTION OF BUILDINGS TO PUBLIC SEWERS, ESTABLISHMENT OF REGULATIONS FOR THE USE OF SUCH CHARGES FOR THE EXPANSION AND IMPROVEMENT OF THE WASTEWATER TREATMENT AND SEWAGE COLLECTION SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, 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 has, heretofore, adopted charges for the equitable distribution of the operation, maintenance, replacement and improvement costs of the wastewater treatment and sewage collection facilities that are the District's responsibility and under the District's control; and

WHEREAS, all past and present users of the District's services have substantially contributed to and invested in the District's wastewater treatment and sewage collection system; and

WHEREAS, the Board of Trustees is desirous of facilitating economic development through the expansion of the District's services and facilities to areas that are adjacent and contiguous to the boundaries of the District and such areas should contribute to a fair and equitable share of the capital invested in the District's wastewater treatment and sewage collection system;

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. "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 102. "District sewer" shall mean any sewer owned or under the jurisdiction of the District.

Section 103. "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 104. "Infiltration" shall mean the water unintentionally entering the public sewer system, including sanitary 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 105. "Infiltration/inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

Section 106. "Inflow" shall mean the water discharged into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted 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 107. "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 108. "Isolated sewerage system" is a system for the collection, storage and treatment of wastewater which serves more than 15 persons.

Section 109. "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 110. "Operation and maintenance costs" shall mean all expenditures attributable to administration, 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 facility management, exclusive of debt service and capital improvements.

Section 111. "Ordinance" means this ordinance.

Section 112. "Person" shall mean any individual, occupant, inhabitant, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, government, government agency, or any other legal entity or their legal representative, agent, or assigns.

Section 113. "Population equivalent" shall mean the equivalent of 100 gallons per person per day. Lots zoned for a single-family dwelling shall be calculated at 3.5 persons per dwelling unit. Where lots are zoned for residential use, other than single family units, Title 35 Illinois Administrative Code, Subtitle C, Chapter II, Section 370, Appendix A, Table No. 1, latest edition, shall apply. Where the proposed development is nonresidential, flow allowances shall be as stated in 35 Illinois Administrative Code, Chapter II, Section 370 Subtitle C, Appendix B, Table No. 2 or as otherwise determined by the District.

Section 114. "Private sewerage system" is a system for the collection, storage and treatment of wastewater or other wastes which serves less than 15 persons.

Section 115. "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 116. "Pumping station" shall mean a station positioned in a public sewer system at which wastewater is elevated to a higher level.

Section 117. "Replacement Expenditures" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater facilities to maintain the capacity and performance for which such facilities were designed and constructed.

Section 118. "Replacement and improvements reserve" shall mean an account for the segregation or resources to meet capital consumption of personal and real property.

Section 119. "Sanitary sewer" shall mean a sewer that conveys sewage or industrial wastes, or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

Section 120. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface and storm waters as may be present. Sewage is also used interchangeably with "wastewater".

Section 121. "Sewer" shall mean a pipe or conduit for conveying sewage or other waste liquids, including storm, surface, and groundwater drainage.

Section 122. "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

Section 123. "Shall" is mandatory; "may" is permissive.

Section 124. "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 125. "Trunk sewer" shall mean a sewer that receives many tributary branches and serves a large territory.

Section 126. "User" shall mean every person using any part of the wastewater facilities of the District.

Section 127. "Wastewater" shall mean the spent water of a community and is a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present. Wastewater is also used interchangeable with "sewage".

Section 128. "Wastewater facilities" shall mean structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Section 129. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

Section 130. "Wastewater source" shall mean any equipment, facility, or other point source of any type whatsoever which discharges wastewater.

ARTICLE II

TREATMENT CAPACITY CHARGE

Section 201. Effective on the date of this ordinance, except as may be hereafter set forth, all properties, lots, parcels and tracts of land annexed to the District in accordance with the laws of the State of Illinois shall be subject to the one-time payment of a treatment capacity charge (TCC).

Section 202. The person who is the owner of record of the property, lot, parcel or tract of land shall be responsible for payment of the TCC.

Section 203. The charge established by this ordinance shall be in an amount determined by the following formula:

TCC = T x A in which
TCC = Treatment Capacity Charge in dollars, and
T = Charge Rate per acre as stated in Exhibit A, and
A = Total area of property, lot, parcel, or tract of land in acres.

Section 204. Total areas shall include usable land serviced by the District sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable TCC at such later date as they are connected to a District sewer at the rates in effect at that time.

ARTICLE III

SEWER EXTENSION CHARGE

Section 301. Owners of properties, not in a special assessment district and where sewers are being extended at the expense of the property owner or buildings are being directly connected to District sewers, shall be charged a sewer extension charge (SEC) in an amount as determined by the following formula in which:

SEC = S x A in which
SEC = Sewer Extension Charge in dollars, and
S = Charge Rate per acre as stated in Exhibit A, and
A = Total area of property, lot, parcel, or tract of land in square feet.

Section 302. Total areas shall include usable land serviced by the District sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable SEC at such later date as they are connected to a District sewer at the rates in effect at that time.

Section 303. Owners of properties in a special assessment district who have paid a direct benefit assessment and indirect benefit assessment for sanitary sewer service shall be exempt from payment of a SEC provided special assessment installments are current.

Section 304. SEC shall not apply to the redevelopment of a lot, parcel or tract of land previously served by District sewers and where a charge, fee or assessment with similar intent to recover public investment in sewer capacity has been paid.

ARTICLE IV

CAPITAL RECOVERY CHARGE

Section 401. Owners of properties, not in a special assessment district and where sewers are or have been extended at the expense of the property owner with financial contribution by the District or buildings are being directly connected to District sewers that have received a financial contribution by the District, shall be charged a capital recovery charge (CRC) in an amount as determined by the following formula in which:

CRC = C x A in which
CRC = Capital Recovery Charge in dollars, and
C = Charge Rate per acre as stated in Exhibit A, and
A = Total area of property, lot, parcel, or tract of land in square feet.

Section 402. Total areas shall include usable land serviced by the District sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable CRC at such later date as they are connected to a District sewer at the rates in effect at that time.

Section 403. Owners of properties in a special assessment district who have paid a direct benefit assessment and indirect benefit assessment for sanitary sewer service shall be exempt from payment of a CRC provided special assessment installments are current.

Section 404. CRC shall not apply to the redevelopment of a lot, parcel or tract of land previously served by District sewers and where a charge, fee or assessment with similar intent to recover public investment in sewer capacity has been paid.

ARTICLE V

BUILDING CONNECTION CHARGE

Section 501. Owners of properties not in a special assessment district, where buildings are connected directly to District sewers, shall be charged a building connection charge (BCC) in an amount as determined by the following formula in which:

BCC = B x PE in which
BCC = Building Connection Charge in dollars, and
B = Charge Rate per population equivalent as stated in Exhibit A, and
PE = Total population equivalent.

For buildings requiring private pumping facilities, PE shall be reduced by 20%.

Section 502. Owners of properties in a special assessment district who have paid a direct benefit and indirect benefit assessment for sanitary sewer service shall be exempt from payment of a BCC provided special assessment installments are current.

Section 503. BCC shall not apply to the redevelopment of a lot, parcel or tract of land previously served by District sewers and where a charge, fee or assessment with similar intent to recover public investment in sewer capacity has been paid.

ARTICLE VI

PAYMENT OF TREATMENT CAPACITY, SEWER EXTENSION, CAPITAL RECOVERY AND BUILDING CONNECTION CHARGES

Section 601. The TCC, SEC, CRC and BCC shall be due and payable in accordance with the following provisions.

- 601.1 In cases where District Sewers are being extended at the expense of the property owner with or without financial contribution by the District, TCC, SEC and CRC shall be due and payable prior to acceptance of the sewer improvement by the District.
- 601.2 In cases where District sewers are not being extended to serve the property, lot, parcel or tract of land being served, TCC, SEC and CRC shall be due and payable prior to the issuance of a building sewer permit for connection of a wastewater source to a District or public sewer system.
- 601.3 The BCC is due at the time the District issues a building connection permit.
- 601.4 In cases where there are existing wastewater source(s) on the property, lot, parcel or tract of land being served and such wastewater source(s) are served by and connected to a public sewer, isolated sewerage system or private sewerage system, the TCC, SEC, CRC and BCC shall be due and payable prior to the connection of said sewerage system to a District or public sewer.
- 601.5 The District may at its option extend, by written agreement, the time for payment as set forth in 601.1, 601.2, and 601.3 for a period not to exceed one (1) year. In such cases, interest shall be charged at a rate of one (1) percent per month on the unpaid balance.

Section 602. The TCC as stated in Article II shall apply to all lots, parcels or tracts of land annexed to the District after February 16, 1983.

Section 603. A bill for the charges specified in this ordinance shall be submitted to the property owner of record. The charges, so billed, shall be considered delinquent unless payment is rendered by the due date stipulated in the bill. Delinquent billings shall be subject to the payment of interest at a rate equivalent to one (1) percent per month on the unpaid balance. All delinquencies may also be subject to such additional costs and penalties as may be otherwise provided in this ordinance.

Section 604. Where special circumstances are encountered, the amount charged shall be determined by the District subject to approval by the District Board of Trustees.

ARTICLE VII

UTILIZATION OF TREATMENT CAPACITY, SEWER EXTENSION, CAPITAL RECOVERY AND BUILDING CONNECTION CHARGES

Section 701. All payments for TCC, SEC, CRC and BCC together with any interest or penalties collected thereon shall be reserved for capital improvements.

Section 702. All funds accumulated in accordance with Section 701, shall be used only for projects designated by the District and under no circumstances for operation and maintenance of the District's wastewater facilities. Projects include but are not limited to the following general categories:

- 702.1 Improvements, replacements, extensions, additions, modifications and expansions to the District's wastewater treatment works and sewerage system;
- 702.2 Construction of those sewers or structures necessary to reduce or eliminate excessive flow conditions in intercepting, trunk and lateral sewers;
- 702.3 Reduction or elimination of sewer system infiltration/inflow;
- 702.4 Rehabilitation of the District's wastewater treatment and sewerage collection system;
and
- 702.5 Construction of new wastewater treatment works.

ARTICLE VIII

DELINQUENCIES AND PENALTIES

Section 801. Any amounts that are delinquent shall be subject to collection under the terms and conditions of this Article 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 802. In the event of failure to pay for the charges after they have become delinquent and the penalties as specified in this Article have been initiated, the District shall have the right to remove or close any connection to any wastewater source and enter upon the property for accomplishing such purpose. The expense of such discontinuance, removal or closing as well as the expense of restoring service, shall be a debt due the District. Service shall not be restored until all charges, including interest accrued and the expense of removal, closing and restoration have been paid.

Section 803. Whenever bills for TCC, SEC and/or BCC become delinquent, the same shall become and constitute a lien upon the real estate to which service is supplied. Statements rendered for such charges 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 for 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 owner 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. In addition to penalties and costs attributable and chargeable to the recording of such notices of lien, the owner shall be liable for interest upon all unpaid balances at the rates set forth in Section 603.

Section 804. In all cases where the TCC, SEC, CRC and/or BCC have become delinquent and the District elects to file a statement or notice 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 805. The District reserves the right to revoke discharge permits and disconnect service to any wastewater source whenever TCC, SEC, CRC and/or BCC bills become delinquent.

Section 806. 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 807. 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 IX

ORDINANCES REPEALED

Section 901. Ordinance No. 540 as amended is hereby repealed in its entirety; said repeal shall not affect the validity or enforceability of capital investment charges, sewage connection charges, and causes of action accrued pursuant to said Ordinance No. 540.

ARTICLE X

VALIDITY

Section 1001. The invalidity of any section, clause, sentence, provision or part of this ordinance shall not affect the validity of any section, sentence, clause, provision, or part of this ordinance which can be given effect without such involved section, clause, sentence, provision or part.

ARTICLE XI

EFFECTIVE DATE


Section 1101. The dates for commencement of the charges stated in this Ordinance are stated in Exhibit A. This Ordinance shall take effect from and after its passage, approval, recording and due publication as required by law.



THE GREATER PEORIA SANITARY
AND SEWAGE DISPOSAL DISTRICT

BY 
Michael F. Menke, President

ATTEST:


Matthew R. Bender, Assistant Clerk

Passed: February 20, 2018
Approved: February 20, 2018
Recorded: February 20, 2018
Published: February 23, 2018

EXHIBIT A

| | Treatment Capacity Charge "T" (\$/Acre) | Sewer Extension Charge "S" (\$/Acre) | Capital Recovery Charge "C" (\$/Acre) | Building Connection Charge "B" (\$/PE) | Effective Dates |
|------------------------------------|---|--------------------------------------|---------------------------------------|--|-----------------|
| Growth Cells 2A & 3 Service Area | 2,000 | 5,770 | 0 | 150 | March 1, 2018 |
| I-74 at IL Route 6 Service Area | 2,000 | 4,900 | 0 | 150 | March 1, 2018 |
| Special Assessment Districts | 2,000 | 0 | 0 | 0 | March 1, 2018 |
| Charter Oak Phase III Service Area | 2,000 | 2,552 | 0 | 150 | March 1, 2018 |
| West Half Sec. 35, Radnor Twp | 2,000 | 5,770 | 2,500 | 150 | March 1, 2018 |
| All other areas. | 2,000 | 5,000 | 0 | 150 | March 1, 2018 |

Growth Cells 2A and 3 service area is defined as all areas served by the District's Trigger Road Pump Station as shown on the District's records of the sewerage collection system.

I-74 at IL Route 6 Service Area is defined as the sewer service area served by any portion of the Vinton Highlands Trunk Sewer, which is the sewer segment between Manholes K13D 1+46.8 and K26D 6+73.02 as shown on the District's records of the sewerage collection system.

Charter Oak #3 Service Area is defined as the sewer service area served by any portion of the Charter Oak Phase #3 Trunk Sewer, which is the sewer segment between Manholes K10D 2+67.2 and K15C 3+07 as shown on the District's records of the sewerage collection system.