

VILLAGE OF OGDEN
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2018-O-0503

AN ORDINANCE ESTABLISHING THE SCHEDULE OF RATES AND CHARGES TO BE
COLLECTED BY THE VILLAGE OF OGDEN, ILLINOIS, FROM THE OWNERS OF
PROPERTY SERVED BY THE SEWAGE SYSTEM OF THE VILLAGE AND OTHER
MATTERS CONNECTED THEREWITH

Passed by the Board of Trustees and
Approved by the President
of the
Village of Ogden, Illinois
on May 3, 2018

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Ogden, Champaign County, Illinois, this 3rd day of May, 2018.

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Section 1. Definitions:

The following words, expressions and terms used in this Ordinance shall be defined and construed to mean as follows:

Section 101. “Domestic User” shall consist of all persons owning residential dwellings which discharge primarily domestic wastes from sanitary conveniences.

Section 102. “Industrial User” shall mean any user of the publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, United States Government, as amended and supplemented, under the following Divisions: A, B, D, E, or I. A user in the Divisions listed above may be placed in the Commercial User class if it is determined that it will introduce primarily Segregated Domestic Wastes.

Section 103. “Industrial Wastes” means any solid, liquid or gaseous waste resulting from any process or excess energy of an industry, manufacturing trade or business, or from the development, processing or recovery, except for agricultural crop raising, of any natural resource, as distinct from industrial employees’ domestic wastes or wastes from sanitary conveniences (Normal Domestic Sewage).

Section 104. “Segregated Domestic Wastes” shall mean those wastes from non-residential users which are generated from activities of a domestic nature and which are measurable and/or set apart from industrial discharge.

Section 105. “Normal Domestic Sewage” shall mean a combination of liquid and water carried wastes resulting from activities common to residences and generally having strengths not exceeding 200mg/ l BOD and 250mg/l Suspended Solids.

Section 106. “Operation and Maintenance Costs” shall mean the cash expenditures for normal operating expenses, such as wages, supplies and materials, fuels, insurance, services, etc.

Section 107. “Replacement Costs” shall mean the budget allowances set aside to provide for cash expenditures for procuring and installing units of equipment or reconstructing appurtenances necessary to maintain or regain the capacity and performance for which the treatment works were designed during their useful life.

Section 108. "Residential User" shall mean any person owning a private dwelling not used for any commercial or industrial purpose, together with all commercial operations discharging and average flow of less than 10,000 gallons per month to the publicly owned treatment works.

Section 109. "User Class" shall mean the classification for billing purposes of each user of the publicly owned treatment works. There shall be two classes: Domestic and Industrial.

Section 2. Establishment of Rates:

For the use of and the service rendered by said Wastewater Collection and Treatment System, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with, or shall be required to connect with the Village's Wastewater Collection and Treatment System or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewer of the Village, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

Section 201. Basis for wastewater service charges: The wastewater service charge for the use and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, a fixed rate charge for debt service and a surcharge, if applicable.

The fixed rate charge for users within the Village shall be computed by dividing the annual debt service of any outstanding revenue bonds by the number of users. Through further divisions, the monthly debt service charges can be computed. The fixed rate charge for users outside the Village shall be twice the fixed rate for users within the Village.

The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- a) A five day, 20 degree centigrade (20* C) bio-chemical oxygen demand. (BOD) or 200mg/l.
- b) A suspended solids (SS) content of 250 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- b) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.

- c) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- d) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.
- e) Compute costs per 1000 gal. for normal sewage strength.
- f) Compute surcharge costs per 1000 gal. per 1mg/1 in excess of normal sewage strength for BOD and SS.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200mg/1) and SS (250mg/1).

The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200mg/1 and 250mg/1 concentrations for BOD and SS respectively. Article III, specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the Village in their annual audit report.

Section 202. Measurement of flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

- a) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than Public Waterworks System, all or a part of which is discharged into the public sewers, the Village may require the person to install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.
- b) Devices for measuring the volume of waste discharged may be required by the Village if these volumes cannot otherwise be determined from the metered water consumption records.
- c) Metering devices for determining the volume of waste shall be installed, owned, and, maintained by the person. Following approval and installation, such meters may not be removed, unless cancelled, without the consent of the Village.

Section 203. Except as herein otherwise provided, the sewage rates and charges to all users within the corporate limits of the Village shall be as follows:

Commencing June 1, 2018 continuing through April, 2019 the schedule of rates shall be:

- (a) Basic user rate \$1.50/133.7 cubic feet with a minimum of \$3.00

- (b) Fixed rate: \$4.00 per month
- (c) A surcharge of \$4.00 shall be charged monthly.

Commencing May 1, 2019 continuing through April, 2020 the schedule of rates shall be:

- (a) Basic user rate \$2.00/133.7 cubic feet with a minimum of \$3.50.
- (b) Fixed rate: \$4.00 per month.
- (c) A surcharge of \$4.00 shall be charged monthly.

Commencing May 1, 2020 continuing through April, 2021 the schedule of rates shall be:

- (a) Basic user rate \$2.50/133.7 cubic feet with a minimum of \$4.00.
- (b) Fixed rate: \$4.00 per month.
- (c) A surcharge of \$4.00 shall be charged monthly.

Commencing May 1, 2021 continuing thereafter the schedule of rates shall be:

- (a) Basic user rate \$3.00/133.7 cubic feet with a minimum of \$4.50.
- (b) Fixed rate: \$4.00 per month.
- (c) A surcharge of \$4.00 shall be charged monthly.

Except as herein otherwise provided, the sewage rates and charges to all users outside the corporate limits of the Village shall be as follows:

- (a) Basic user rate \$2.32/133.7 cubic feet with a minimum of \$6.24.
- (b) Fixed rate: \$16.00 per month.
- (c) A surcharge of \$4.00 shall be charged monthly.

Section 204. Any non-metered residential users of the Wastewater Collection and Treatment System shall pay the fixed rate charge, and a charge for usage based on 10,000 gallons (1337 cubic feet) usage per month. The Wastewater Collection and Treatment System Operator may require such user to install and maintain, at the user's expense, metering devices on the water supply or building sewer to measure the amount of service supplied.

Section 205. In the event the owner of a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, or other liquids into the Village's Wastewater Collection and Treatment System, either directly or indirectly, is a user of water supplied by the Village of Ogden and in addition users water from another source which is not measured by a water meter not applicable to the Village, then the amount of water used shall be otherwise measured or determined by the Village in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Village for the determination of sewage discharge.

Section 206. In the event the owner of a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Village's sewer system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Village that a portion of water was measured by the meter or meters does not and cannot enter the Wastewater Collection and Treatment System, and the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Village for the determination of sewage discharge.

Section 207. In the event the owners of two (2) or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Village's sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service.

Section 208. Where a metered water supply is used for fire protection, as well as for other uses, the Village may, in its discretion, make adjustments in the user charge as may be equitable.

Section 3. Establishment of Surcharges:

Section 301. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the Village shall base its charges not only on volume but also on the strength and character of the sewage and waste. The Village shall require the owner or other user to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the Village's Wastewater Collection and Treatment System in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case in order to determine the proper charge. The owner or other user shall furnish a central sampling point to the Village at all times.

Section 302. Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of \$0.07 per 1000 gallons of flow for each 100 milligrams, or fraction thereof, of suspended solids in excess of 250 milligrams per liter of fluid.

Rate Surcharge Based Upon B.O.D.

There shall be an additional charge of \$0.09 per 1000 gallons of flow for each 100 milligrams, or fraction thereof, of biochemical oxygen demand in excess of 200 milligrams per liter fluid. The Village Board is authorized to prohibit the dumping of wastes into the Village's Wastewater Collection and Treatment System which, in its discretion, are deemed harmful.

Section 4. Annual Review and Accounting Procedures:

Section 401. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users, the Village shall cause a study to be made within a reasonable period of time following the first full calendar year of operation subsequent to the completion of the improvement project. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewer system, and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, and capital improvements.

Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the Village shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers and/or employees of the Village of Ogden or by a firm of certified public accountants and/or a firm of consulting engineers which firms shall have experience in such studies.

Section 402. Replacement shall be recalculated each year by reviewing the records maintained for each piece of replaceable equipment, structures or other property. If the previous year's replacement value is determined to be adequate based on the previous year's operating records, it shall remain the same. If it is anticipated that the item will either cost more than anticipated to replace at the end of its service life, or if its service life shall be deemed shorter than previously estimated, the replacement value shall be increased. If it is anticipated that the item's replacement cost will be less than anticipated, or if the service life is deemed longer, the replacement value shall be decreased. For the purposes defined herein, the annual replacement value of an item shall be equal to its estimated service life divided into its replacement costs, less any amounts previously accumulated.

Section 403. Revenues: All revenues and moneys derived from the operation of the sewage system shall be deposited in the sewerage accounts of the sewerage funds. All such revenues and moneys shall be collected and held by the Village Treasurer separate and apart from his/her private funds and separate and apart from all other funds of the Village and all said sums, without any deductions whatever, shall be deposited not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

Said Treasurer shall administer such funds in every respect in the manner provided by statutes of the State of Illinois and the Ordinances of the Village.

Section 404. Accounts: The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he/she 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 Collection and Treatment Facilities, including a replacement cost, to indicate that Wastewater Collection and Treatment 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 the regard, the financial information to be shown in the audit report shall include the following:

1. Flow data to showing total gallons received at the Wastewater Collection and Treatment System for the current fiscal year.
2. Billing data to show total number of gallons billed.
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 wastes (industrial users) and volume of waste discharged.

Section 405. Access to Records: The Illinois Environmental Protection Agency or its authorized representatives shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

Section 5. Periodic Billing:

Section 501. Bills:

(a) Rates or charges for service shall be payable monthly. The owner of the premises, 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 remises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

(b) Bills for Wastewater Collection and Treatment service shall be sent out by the Village Treasurer each month and shall be due 20 days after mailing. A service charge of 10 percent but not less than \$1.00 shall be added to all bills not paid by the due date.

Section 502. Change in Occupancy:

(a) Notice to Village. Any user requesting a termination of service shall give written notice to the Village ten (10) days prior to the time such termination of service is desired.

(b) Responsibility for Payment of Services. Responsibility for payment for Wastewater Collection and Treatment service prior to the date of termination, and for the fixed rate and debt service charges subsequent to the date of termination, shall be with the property owners as well as the user.

(c) Charges for Change. There shall be no charge for transferring the Wastewater Collection and Treatment service to the subsequent user.

Section 503. Delinquent Accounts:

(a) If the charges for such services are not paid by the last day of the month succeeding the period for which the service is billed, such charges shall be deemed delinquent. Delinquent charges shall constitute liens upon the real estate to which the sewerage services were furnished. Whenever a bill for Wastewater Collection and Treatment service remains unpaid for 60 days after billing, the Village Treasurer shall file with the County Recorder of Deeds a notice of such lien. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(b) If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address is known to the Treasurer, whenever such bill remains unpaid for the period of forty-five days after billing.

(c) The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills.

Section 504. Discontinuance of Sewer Service: In addition to the remedies set forth in this Article, the Village, after giving notice to the owner, occupant or user by certified mail or personal service or posting notice on the premises and providing other procedural protections consistent with the requirements of due process, may discontinue Wastewater Collection and Treatment service by disconnecting the property from the Sewer System and/or in the discretion of the village by discontinuing water service to any premises for which the owner, occupant or user is delinquent in the payment of Wastewater Collection and Treatment service charges. Wastewater Collection and Treatment service shall be resumed upon payment of the delinquent charges in full, plus payment of \$25.00 to defray the expense of reinstating water service if necessary, and the actual cost to the Village to disconnect and to reinstate Sewer services if necessary.

Section 6. Harmful Wastes Prohibited:

Section 601. The Village of Ogden is hereby authorized to prohibit dumping of wastes into the Village's Wastewater Collection and Treatment System which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Village.

Section 602. The Village reserves the right to limit connections to its system should insufficient capacity be available in the treatment works.

Section 7. Validity:

Section 701. All ordinance or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provisions of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 8. Ordinance in Force:

Section 801. This ordinance to be in full force and effect from and after its passage, approval and publication according to the law of the State of Illinois.

Section 9. Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

AYE VOTES:

Trustee Haan, Trustee Newsom, Trustee Esposito, Trustee Cooper, Trustee Vickers Trustee Fitch

NAY VOTES:

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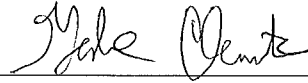
ABSTAIN:

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ABSENT:

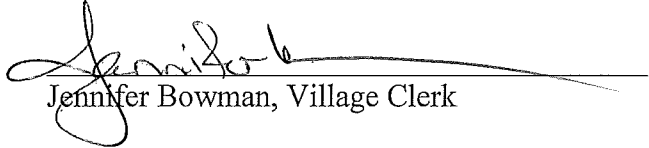
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SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF
OGDEN, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 3rd DAY OF MAY, 2018.



Gabe Clement, Village President

ATTEST:



Jennifer Bowman, Village Clerk

(SEAL)

Recorded in the Municipal Records: May 3, 2018

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