

**CHAPTER 22: SEWAGE DISPOSAL - PUBLIC - SEWERS PERIODIC
CHARGES - FEDERAL USER IN LIEU OF AD VALOREM TAXES**

**Flagg Creek Water Reclamation District - Sewage Disposal - Public - Sewers Periodic
Charges - Federal User in Lieu of Ad Valorem Taxes**

CHAPTER 22: SEWAGE DISPOSAL - PUBLIC - SEWERS PERIODIC CHARGES - FEDERAL USER IN LIEU OF AD VALOREM TAXES

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ARTICLE 1. SEWERS PERIOD CHARGES

' 22-1.01 USER CHARGE - POLICY.

(A) It is hereby declared to be the policy of the District to adhere to the requirements of the Code of Federal Regulations, Title 40 - Protection of the Environment, Chapter 1 - Environmental Protection Agency, Subchapter D - Grants, Part 35 - State and Local Assistance, Final Grant Regulations, effective February 11, 1974, being 40 C.F.R. " 35.001 et seq., and all subsequent enactments and regulations issued pursuant to the Federal Water Pollution Control Act of 1972, being 33 U.S.C. " 1251 et seq. This section is a separate enactment enacted under federal law and its provisions shall be self-sufficient and not dependent upon any other section except where expressly so stated.

(B) In this codification Ordinance 405, the underlying ordinance expressing the principles established by the District in compliance with the Federal Grant regulations remains generally unrepealed. The sections which are enacted herein are in part reprinted for convenience purposes, but some amendments have been made reflecting new concepts and others for clarity. In all cases, the intent is and it is hereby ordained that Ordinance 405 remains in effect and the charges under Ordinance 405 shall continue to apply until the date that the provisions and/or charges hereunder become effective.
(Prior Code, ' 22-1.01)

' 22-1.02 TAX ABATEMENT.

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(A) From and after the effective date of this Ordinance, the District shall cease levying ad valorem taxes to provide funds for the operation, maintenance and replacement of the works of the system and, in lieu thereof, shall assess to all users, in accordance with the provisions set forth below, a federal user charge in lieu of ad valorem taxes. The funds received or accrued under the provisions of this Ordinance shall be, and for all purposes they shall be, deemed to be the same as if they were collected by the District as ad valorem taxes and such funds shall be totally exempt from liability for any charge or claim which could not be asserted against ad valorem tax receipts received by the District.

(B) In the event that the Board of Trustees elects to submit a combined billing for the charges established hereunder and the charges established under any other ordinances of the District, the charges collected under such other ordinances shall be deemed to be, and shall for all purposes be, treated the same as if this Ordinance had not been enacted.

(Prior Code, ' 22-1.02)

**' 22-1.03 ADOPTION OF STAFF ASSUMPTIONS AND ANALYSES AS SET FORTH IN
PREAMBLE OF ORDINANCE 405.**

The Board of Trustees, having duly considered the actions and analyses of the staff of the District in the preparation of this Ordinance and having directed the attorney to set forth those matters in the preamble of this Ordinance, hereby adopts such assumptions and analyses as the basis for the establishment of a method of procedure for the assessment and collection of a user charge pursuant to the federal regulations cited above.

(Prior Code, ' 22-1.03)

' 22-1.04 METHOD OF PROCEDURE.

From and after February 1, 1975, the Board of Trustees shall discontinue the statutory procedure under the Sanitary District Act of 1917, being 70 ILCS 2405/, for appropriation and levy, where applicable, of an ad valorem tax for the operation, maintenance and replacement of the works of the system. The Board shall continue, under the applicable state statutes, to follow the appropriation and levy procedures for all other District functions not contained within the operation, maintenance and replacement budgets, specifically including funds for general obligation bond debt service and public benefit funds, as authorized in 70 ILCS 2405/18.

(Prior Code, ' 22-1.04)

' 22-1.05 NONDUPLICATION OF CHARGES - AUTHORITY.

USER CHARGE, as defined in this Ordinance, shall mean the federal user charge in lieu of ad

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valorem taxes, and shall be commonly referred to as ***USER CHARGE***. It shall be deemed that there is no duplication of the charges made hereunder and any charges made under any other sections of this Ordinance which may coincidentally refer to the term ***USER CHARGE***. The charges assessed hereunder are specifically a substitute for ad valorem taxes, as provided by the federal regulations and the comptroller general's interpretation thereof, as set forth in the July 2, 1974 decision identified as file no. B166506.

(Prior Code, ' 22-1.05)

' 22-1.06 COMMENCEMENT - USER CHARGE.

Commencing with the effective date of this Ordinance, the District shall charge federal user charges and industrial user surcharges to defer the costs of the operation, maintenance and replacement of the works of the system of the District in lieu of ad valorem taxes. Until said effective date, Ordinance 405 shall remain applicable.

(Prior Code, ' 22-1.06)

' 22-1.07 COMMENCEMENT - INDUSTRIAL COST RECOVERY.

Commencing with the effective date of this Ordinance, the District shall charge all industrial users who have commenced use of the treatment works, an industrial cost recovery charge to recover the federal grant funds attributable to the industrial users, as defined in 40 C.F.R. ' 35.928-1. Until said effective date, Ordinance 405 shall remain applicable.

(Prior Code, ' 22-1.07)

' 22-1.08 ADOPTION OF FEDERAL PROMULGATION.

Such user charge, industrial user surcharge and industrial cost recovery charge shall be based upon the provisions of the federal act and regulations as are set forth in Ordinance 405 and all other applicable federal acts and regulations referred to therein, and they are adopted hereby as a part of this Ordinance.

(Prior Code, ' 22-1.08)

' 22-1.09 DECLARATION OF PERCENTAGE OF TOTAL ANNUAL COSTS.

(A) The Board of Trustees hereby declares the percentage of total annual fiscal year costs attributable to the constituent parts of the user charge for the last one-fourth of the fiscal year ending April 30, 1975 and the fiscal year commencing May 1, 1975 to be as follows:

Non-industrial user charge (domestic type wastes)	78%
Industrial user charge (domestic type wastes)	22%

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Industrial user surcharge (non-domestic type wastes)	0%
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(B) The Board of Trustees shall hereafter, for fiscal years commencing subsequent to the end of each fiscal year, annually determine and declare the percentage of total cost of operation, maintenance and replacement to be shared by each of the foregoing categories. Once amended, the percentages shall remain as amended for subsequent years until further amended.

(Prior Code, ' 22-1.09)

' 22-1.10 DECLARATION OF PERCENTAGE OF USE.

(A) The Board of Trustees shall determine and declare annually, by resolution or otherwise, the following:

(1) The percentage of contribution of domestic waste inflow/District of each of the following categories of users of the works of the system for UCS purposes:

(a) Domestic:

1. Single family-residence; and
2. Other residential.

(b) Commercial;

(c) Industrial;

(d) Institutional; and

(e) Governmental.

(2) The percentage of contribution of non-domestic waste inflow/District of each of the following categories of users of the works of the system for UCS purposes:

(a) Domestic - other than single-family residential;

(b) Commercial;

(c) Industrial;

(d) Institutional; and

(e) Governmental.

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(3) The percentage of contribution of industrial wastewater inflow/District for all industrial users, as defined for ICRS purposes.

(B) After determining the foregoing percentages, the Board of Trustees shall, once per fiscal year, determine and declare the industrial user surcharge costs for the treatment and removal of non-domestic pollutants. Until amended by the Board of Trustees, the following table shall be used as quantity of pollutants maximum permissible rate of discharge and the cost per milligram per liter per 1,000 gallons per each pollutant in excess of the cost of treatment of domestic wastes.

(C) Such table includes the chemical constituency of normal domestic waste, as well as establishing the rates of discharge and cost of treatment for removal of certain chemicals. Such cost of treatment may be amended, from time to time, by resolution of the Board of Trustees.
(Prior Code, ' 22-1.10)

' 22-1.11 ANNUAL DECLARATION OF COSTS.

<i>Chemical Constituent</i>	<i>Volume Domestic</i>	<i>Rate of User Discharge</i>	<i>I.E.P.A. EFF. Require</i>	<i>For Volumes Exceeding Single-Family Usage Costs/MG/1,000 Gals</i>
Ammonia Nitrogen (ASN)	30 mg/L	30 mg/L	1.5 mg/L	\$0.03
Arsenic		5 mg/L	1 mg/L	\$0.07
Barium		25 mg/L	5 mg/L	\$0.20
Biochemical oxygen demand	250 mg/L	250 mg/L	5 mg/L	\$0.0523
Boron		5 mg/L	1 mg/L	\$0.19
Cadmium		0.25 mg/L	0.05 mg/L	\$0.07
Chlorides	100 mg/L	100 mg/L	500 mg/L	\$0.49
Chromium (tot. hexavalent)		0.5 mg/L	0.05 mg/L	\$2.50
Chromium (tot. trivalent)		5 mg/L	1 mg/L	\$0.60
Copper		0.1 mg/L	0.02 mg/L	\$0.08
Cyanide		0.335 mg/L	0.025 mg/L	\$0.05
Fluoride	0.8 mg/L	1.4 mg/L	1.4 mg/L	\$0.25
Iron (total)	0.8 mg/L	5 mg/L	1 mg/L	\$0.08
Lead (total)		0.5 mg/L	0.1 mg/L	\$1

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<i>Chemical Constituent</i>	<i>Volume Domestic</i>	<i>Rate of User Discharge</i>	<i>I.E.P.A. EFF. Require</i>	<i>For Volumes Exceeding Single-Family Usage Costs/MG/1,000 Gals</i>
Manganese (total)		5 mg/L	1 mg/L	\$0.01
Mercury (total)				\$2
Nickel (total)		0.0025 mg/L	0.0005 mg/L	\$0.35
Oil (hexane solubles)	100 mg/L	75 mg/L	15 mg/L	\$0.50
pH	6 - 9	5.5 - 9	6.5 - 9	\$0.10
Phenols		0.5 mg/L	0.1 mg/L	\$0.08
Phosphorous (p)	10 mg/L	10 mg/L	1 mg/L	\$0.03
Selenium (total)		5 mg/L	1 mg/L	\$0.10
Silver (total)		0.025 mg/L	0.005 mg/L	\$0.100
Sulfate		2,500 mg/L	500 mg/L	\$0.10
Suspended solids	300 mg/L	275 mg/L	6 mg/L	\$0.0587
Total dissolved solids	5,000 mg/L	5,000 mg/L	1,000 mg/L	\$0.08
Zinc		5 mg/L	1 mg/L	\$0.25
Volume of flow	250 G/D each home	400 G/D equivalent homes in floor area	400 G/D each home	\$0.07

(Prior Code, ' 22-1.11)

' 22-1.12 DECLARATION OF ALLOWABLE CONCENTRATIONS OF CHEMICALS.

Based upon the experience of the District, the Board of Trustees has determined that excess concentrations of certain chemicals result in upsets in the operation of some or all of the several components of the plant system which may result in pollution discharges. Therefore, the Board of Trustees hereby declares that the rate of user discharge of the named chemicals into the District system shall not exceed those rates set forth in the schedule in ' 22-1.11. It is hereby declared to be unlawful to discharge chemicals at rates in excess of those set forth therein.

(Prior Code, ' 22-1.12)

' 22-1.13 EXCESS DISCHARGES - VIOLATIONS.

In the event that a user discharges chemicals in excess of the permissible rates, the District shall proceed as follows.

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(A) *First violation.* The District shall notify the user of the violation and shall establish a date for a conference with the user within ten days of ascertainment of the violation. At such conference, the District shall determine the nature of the action of the user being taken to preclude a recurrence of the violation. If it appears that the user is taking or has taken steps to preclude the recurrence, no further steps shall be taken by the District other than to verify that the planned steps have actually been taken.

(B) *Second violation.* The District shall issue a citation or violation notice to the user for violation of the limitations set forth herein, pursuant to the penalties and enforcement sections of this Ordinance.

(C) *Third violation.* The District shall issue a citation or violation notice to the user for violation of the limitations set forth herein, pursuant to the penalties and enforcement sections of this Ordinance.

(D) *After third violation.* The District may, in its discretion, at any time after conviction for a third violation, require the user to institute a program of pretreatment which will guarantee the District that such discharges will not be repeated, or, in the event that the District's Executive Director believes that pretreatment will not safeguard the integrity of the District system, the Executive Director may recommend to the Board of Trustees, and the Board of Trustees may enact a disconnection order. Upon the enactment of a disconnection order, the users shall be given 60 days to disconnect from the District system and provide privately-owned facilities for the treatment of such effluent.

(E) *Upsets and pollutants.* If, at any time subsequent to the enactment of this Ordinance, such discharges by any users result in plant upsets and/or discharges of pollutants to the natural watercourse, the District shall have the right to assess to such user the actual costs incurred by the District arising out of such upset or pollutant discharge, whether such costs be costs of rectifying the plant upset or shall be penalties assessed by any court or administrative body against the District for fish kills or otherwise. Such sum may be assessed as additional user charges or as fines if a violation notice was served at the election of the Board of Trustees. Such sums shall also be collectable in a civil suit against the then user in violation.

(Prior Code, ' 22-1.13)

' 22-1.14 ADOPTION OF FEDERAL MODELS.

The Board of Trustees hereby adopts model formulas one and two from the appendix of the regulations for use by the staff of the District in determining the billing to the several owners and classes of users contribution wastewater inflow/District to the works of the system.

(A) Model one shall be utilized for the percentage of the works of the system declared by the Board of Trustees to be allocated to treatment of domestic wastes.

(B) Model two shall be utilized for the percentage of the works of the system declared by the Board of Trustees to be allocated for other than treatment of domestic wastes, or where BOD, suspended solids or other pollutant concentrations exceed the range of concentration of these pollutants in normal domestic

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wastes or where abnormal flow characteristics are exhibited, and the result determined thereby shall be used in the calculation and assessment of the industrial user surcharge.

(Prior Code, ' 22-1.14)

' 22-1.15 ANNUAL DECLARATION OF COST RECOVERY AMOUNTS.

The Board of Trustees shall once per fiscal year determine and declare the amount of industrial cost recovery to be collected from industrial users, as defined for ICRS purposes, to recover the federal grant amount allocable to the portions of the works of the system utilized by industrial users, including users exhibiting abnormal flow characteristics.

(Prior Code, ' 22-1.15)

' 22-1.16 BUDGET - OPERATION - MAINTENANCE AND REPLACEMENT.

(A) Each year, the District, through its employees, shall prepare the estimated operation, maintenance and replacement budget for the forthcoming fiscal year, specifically including replacements and renewals. Such budget shall be prepared in accordance with general accounting principles and shall be based primarily, but not exclusively, upon the expenditures for such categories as set forth in the annual audit for the previous fiscal year of the District, and, in addition thereto, all new anticipated operational, maintenance and replacement expenses shall be included therein.

(B) (1) The budget shall be submitted to the Board of Trustees and shall be considered and amended, if necessary, and shall be adopted by the Board of Trustees, as the operation, maintenance and replacement budget of the District for the subsequent fiscal year, by ordinance, in like manner as the appropriation ordinance is required to be enacted in accordance with state law. The District shall continue to prepare the budget and appropriation and levy ordinances for all funds and expenditures not related to operation, maintenance and replacement in the manner provided under the Illinois Revised Statutes.

(2) The budget shall provide for the following:

(a) Distribution among the several users and classes of users of the following:

1. The cost of operation, maintenance and replacement of the proportion of the works of the system utilized for treatment of primarily domestic wastes, based upon the known and estimated anticipated costs. Each fiscal year budget shall specifically state the percentage of the total budget related to domestic wastes; and

2. The cost of operation, maintenance and replacement of the proportion of the works of the system utilized for treatment of primarily other than domestic wastes, based upon the known and estimated anticipated costs. Each fiscal year budget shall specifically state the percentage of the total budget related to non-domestic wastes.

(b) The budget shall specify the following:

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1. The percentages of total use of capacity for facilities within the system which are used for both domestic and industrial waste treatment; and
2. The annual amount to be recovered in accordance with the requirement of the industrial cost recovery system of the Federal Act.
(Prior Code, ' 22-1.16)

' 22-1.17 DIVISION OF EXPENSES FOR UCS PURPOSES.

(A) There shall be submitted to the Board of Trustees, simultaneously with the budget, a summary total of wastewater loadings, as defined herein under **WASTEWATER LOADINGS**, emanating from all users during the previous 12-month period.

(B) The Board of Trustees shall divide the respective portions of the budget total into the total wastewater loadings as thus calculated for each category according to the declared percentages of use and arrive at the user charge cost per 1,000 gallons to be used for the subsequent year for each category.
(Prior Code, ' 22-1.17)

' 22-1.18 ESTABLISHMENT OF THE FEDERAL USER CHARGE.

From and after the effective date of this Ordinance, there shall be, and there is hereby, established a fiscal federal user charge in lieu of ad valorem taxes per unit of measurement, as defined herein, which charge shall be made to each individual user, including governmental users, as established in accordance with the budget procedures set forth above, in order to distribute the costs of operation, maintenance and replacement of the works of the system of each user or user class in the approximate proportion to such user or user class to his or her contribution to the total wastewater loadings of the works of the system. The fiscal charge shall become a lien upon the lands within the District on January 1 of each year; however, the lien imposed by Ordinance 405 shall remain in full force and effect after passage of this Ordinance. The charge shall be payable in quarterly installments based upon use. The constituent parts of charges to differing

Flat rate charge Service availability charge Computed user charge, non-industrial Estimated user charge, non-industrial Computed industrial user surcharge estimated Industrial user surcharge

classes of users shall be as follows and such charge shall be based on the most recent ascertainable information.

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(A) The user charge unit cost for all solely domestic waste contributors with normal flow rate characteristics shall be fiscally determined by ascertaining the result obtained by dividing the proportion of the budget relating to primarily domestic type wastes into the sum total of individual wastewater loadings for all solely domestic waste contributors with normal flow rate characteristics, as determined by water meter readings; flow meter readings, if any; and flat rate estimates of flow related to the percentage of use declared for non-industrial users, as per model one.

(B) The industrial user charge unit cost shall be a combination of domestic waste cost and non-domestic waste cost and shall be determined by ascertaining the composite of the sums of the following:

(1) The result obtained by dividing the proportion of the budget relating to primarily domestic-type wastes of industrial users into the portion of the sum total of the industrial wastewater loadings;

(2) The charge made to each industrial user for the proportionate share of such user of the cost of removing from the District's effluent the chemicals set forth in the schedule above;

(3) The charge made to each industrial user for having abnormal flow rate characteristics; and

(4) For ease of calculation of one, two and three charges, models one and two shall be utilized in setting actual charges.

(Prior Code, ' 22-1.18)

' 22-1.19 ESTABLISHMENT OF FEDERAL INDUSTRIAL COST RECOVERY CHARGE.

(A) From and after the effective date of this Ordinance, there shall be and there is hereby established a fiscal industrial cost recovery charge, which charge shall be made to each individual industrial user, equaling the proportionate share of such user's use of the total capacity of the system paid for by federal grant funds as will pay for such portion of the system used by such industrial user over a period of the life of the system. The charge shall become a lien upon the affected lands within the District on January 1 of each year; however, the lien imposed by Ordinance 405 shall remain in full force and effect after passage of this Ordinance. The charge shall be payable as specified at the time of determination by the Board of Trustees, but not less than annually.

(B) For ease of calculation of the industrial cost recovery charge, the following formula shall be used:

#1		T = Tpe
	QP	
#2		Tpe X = Y
	L	
QP = Total cost of project.		

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	Total capacity of project in population equivalents.
	Total life of project.
X	Total population equivalent loading attributable to an individual industrial user per unit of time.
	Individual industrial user cost recovery charge per unit of time.

(Prior Code, ' 22-1.19)

' 22-1.20 APPLICABILITY OF CHARGES FOR NEW USERS.

(A) New users for which no water meter readings are yet available shall be charged the applicable flat rate until sufficient meter readings are available to ascertain their contribution to the works of the system.

(B) (1) The initial flat rate charge for new users obtaining permits subsequent to the effective date of this Ordinance shall be deposited at the time of issuance of connection permit, and regular billings shall commence on the first day of the first full quarter next succeeding the date of the issuance of the connection permit by the District.

(2) The flat rate shall be applicable thereafter until meter readings become available, except in cases where the Executive Director of the District submits to the Board of Trustees an estimate of

expected use and the Board of Trustees approves the estimate and assesses a specific flat rate charge by resolution.

(Prior Code, ' 22-1.20)

' 22-1.21 MANNER OF BILLING AND COLLECTION.

(A) The District billing system is in part dependent upon third parties providing water service within the District service area for billing data due to the third-party owned and operated water systems from which the flow data is obtained. Some of the third-party systems are on a quarterly system and others are on a bi-monthly system.

(B) The District system shall be adapted by the computer staff upon approval of the Board to the necessities of the data suppliers.

(C) (1) As soon as practicable after the availability of meter or flow data is supplied to the District, the bills for the period covered shall be sent out.

(2) The billings shall become due 30 days after mailing with delinquent penalties being assessed if not paid when due and may be paid prior to the due date without penalty at their net amount.

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(3) Thereafter, for each month that the net amount remains unpaid, there shall be added thereto a penalty at the rate of 1.5% each month until paid.

(4) Bills for single users with multiple water meters shall be considered as one bill, and, if any portion thereof is unpaid, the entire amount shall be considered to be delinquent.

(5) In the event that any user fails to pay the billed charge for 90 days after the due date, the District shall proceed to terminate service and serve termination notice upon such user, as provided below, or in the alternative, the District may file a lien of record in the Recorder's office of the county in which the user is located in accordance with the provision set forth herein.

(D) The charges under this Ordinance are user charges assessed upon the user; however, the initial billing in all cases where such premises or portion thereof are being served by a public water system shall be made to the person or entity to whom the charges for water services are billed by the water service owner.

(E) In the event that the person or entity fails to pay the billed amount for in excess of 30 days after the billing, the District shall investigate to ascertain the identity of the actual user and the person or entity who is the owner of the premises. Upon ascertainment thereof, the District shall send duplicate billings to such persons which bear the following legend on the reverse side thereof:

BILLING TO THE USER

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes and/or the Industrial Cost Recovery Charge to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied and used by you. The charges set forth hereon have been billed to the person being billed for water service and have not been paid by such person. Service will be terminated in accordance with the procedures provided in the Ordinances of the District if these charges are not promptly paid. The charges billed are delinquent on (here insert delinquency date.)

BILLING TO THE OWNER

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes and/or the Industrial Cost Recovery Charge to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied and used by (insert name of user.) The charges set forth hereon have been billed to the person being billed for water service. They have not been paid to this date. A subsequent billing has been made simultaneously herewith to the user. In the event that the user fails to pay these charges it shall be the duty of the owner of the building to pay them. These charges constitute a lien upon the land and failure to pay them will result not only in termination of sanitary sewer service to the building, but actual disconnection of the building from the sanitary facilities.

(F) In the case of multiple occupancy residential buildings with a single water meter, the District, upon ascertainment of the number and/or size of occupancy units therein, shall send the billing for such building to the person or entity being billed for the water service with the following legend on the reverse side thereof:

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This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes to defray the cost of operation, maintenance and replacement of the Works of the System for the multi-family premises commonly known as (insert address). The charges are assessed to each individual user, but billed to the person or entity being billed for water service, for convenience purposes.

(G) If this billing is not paid within 30 days, billings shall be sent to each individual occupant bearing the following legend on the reverse side thereof:

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes to defray the cost of operation, maintenance and replacement of the Works of the System for your occupancy unit of the premises commonly known as (insert address). The charges set forth hereon represent your share of charges previously billed to the person or entity being billed for water service to the building which you occupy and/or own. Such charges remain unpaid. In the event that the user fails to pay these charges it is the duty of the owner to pay them. These charges constitute a lien upon the land and failure to pay them will result in termination of sanitary sewer service not only to the user but to the occupancy unit.

(H) Where there is no public water system for multiple occupancy residential buildings, the District shall ascertain the name of each occupant and the name of the owner of the building and/or of each occupancy unit, and the bills shall be sent to the occupant and the owner, with the following legend on the reverse side thereof:

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied by (insert name) and owned by (insert name). The charges are against the user, being the person or entity having control and custody of the premises from which the waste inflow/district emanates. However, in the event that the user fails to pay these charges it shall be the duty of the owner to pay them. These charges constitute a lien upon the land and failure to pay them will result in termination of sanitary sewer service not only to the user, but to the occupancy unit.

(Prior Code, ' 22-1.21)

' 22-1.22 SEGREGATION OF INDUSTRIAL COST RECOVERY FUNDS.

The portion of the industrial cost recovery funds which represents the portion of each user's contribution to the retirement of the federal grant share cost of the works of the system shall be set aside in separate bank accounts by the District when collected. Fifty percent thereof shall be returned to the U.S. Treasury on an annual basis. Forty percent thereof shall be used for the expansion or reconstruction of the treatment works to meet the requirements of the Act, subject to the prior written approval of the Regional Administrator of the Act. The balance thereof shall be paid to the general fund of the District for use by the District for any purpose deemed necessary by the Board of Trustees.

(Prior Code, ' 22-1.22)

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' 22-1.23 TERMINATION PROCEDURE.

It is hereby declared to be a policy of the Board of Trustees of the District that in the event that any person or other legal entity whose residence or other building is connected to sewers which are tributary to the District system fails to pay the federal user charges as assessed under this Ordinance of the District, the building shall, upon due process, be disconnected.

(Prior Code, ' 22-1.23)

' 22-1.24 NON-PAYMENT PROCEDURE.

See Chapter 28.

(Prior Code, ' 22-1.24)

' 22-1.25 NOTICE OF TERMINATION.

See Chapter 28.

(Prior Code, ' 22-1.25)

' 22-1.26 ALTERNATIVE - LIEN.

See Chapter 28.

(Prior Code, ' 22-1.26)

' 22-1.27 REINSTATEMENT OF SERVICE.

See Chapter 28.

(Prior Code, ' 22-1.27)

' 22-1.28 REQUIREMENT OF INSTALLATION OF WATER METERS AND COMPOSITE SAMPLERS.

(A) *Water meters.* All non-industrial users, other than single-family residences, not having a water meter in their source of water supply shall be required, within 90 days after notification by the District, to install, at their own expense, a water meter, approved by the Executive Director, between the well or other source of supply and the plumbing system of such building. All such meters shall be equipped with a remote reading device affixed to the outside of the building in a convenient location.

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(B) *Flow meter and composite sampler.* All industrial users not having a flow meter and composite sampler, as defined herein, in a manhole in their building service line shall be required, within 90 days after the passage of this Ordinance, to install a flow meter and composite sampler in a manhole between the building service line and the public sewer to which the said building is connected. If no such manhole exists, such user shall install one in the building service line.

(Prior Code, ' 22-1.28)

**' 22-1.29 INSPECTIONS ON PRIVATE PROPERTY AND RIGHT TO ENTER UPON THE
PREMISES TO READ THE WATER METER.**

(A) From and after the passage of this Ordinance, authorized employees of the District shall have free access during all reasonable hours to all parts of any building or premises which is served by sewers which are tributary to the District system in order to examine water meters, flow meters and the pipes and fixtures to ascertain whether unauthorized waters or other wastes are entering into the system and to ascertain volumes of permitted wastes which are entering into the system.

(B) District personnel shall be considered authorized under this Ordinance if they have been bonded and insured and have been issued District badges which contain their photograph and other identification information.

(C) District personnel making inspections shall be bound by the *Standard Rules of Procedure*, adopted by the District, for meter readings. In the event of a refusal to permit District personnel upon private property, the authorized person shall seek the assistance of the local police department or the sheriff's office of the county concerned, and shall make the inspection accompanied by such officer, and, if such access is continued to be refused for such purposes, including the reading of the meter, the District may terminate use by the user without further notice.

(Prior Code, ' 22-1.29)

' 22-1.30 BUDGET AMENDMENTS.

The Board of Trustees shall be empowered, at any time, within its discretion, as it is deemed necessary, to amend the budget and increase the individual charges to provide additional revenue to defer costs not known or anticipated at the time of preparation of the annual budget, except, however, if at such time as the Board has determined that funds allocated in the original annual budget will not be expended for items originally intended, either in full or in part, the unexpended funds may be allocated to the new or increased cost to the extent possible before increasing the charges theretofor established. Budget amendments increasing the total current annual budget shall be reflected in the subsequent quarterly billings for the budget year.

(Prior Code, ' 22-1.30)

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' 22-1.31 RETIREMENT OF REVENUE BONDS.

Service charge revenues of the District have been pledged for revenue bond funding and the District shall proceed in like manner to assess and collect such revenues for application in accordance with the Revenue Bond Ordinance 342, enacted by the District on February 22, 1973, and reenacted herein as Chapter 21 for all revenues defined therein. Notwithstanding the similar language in this Ordinance and the Revenue Bond Ordinance of the District, there shall be, and there hereby is, deemed to be no duplication in such charges, as the provisions of this Ordinance are a substitute for collection of general real estate tax revenues which are specifically excluded by state law from being applied to revenue bond debt servicing. The Board of Trustees may elect for billing purposes to submit a combined billing for the charges established under this Ordinance and the charges established under said Revenue Bond Ordinance. The Board of Trustees may further elect to maintain either a separated or combined accounting system accounting for such funds. Neither of such actions shall be deemed to alter in any way the character of the funds obtained and all such funds so obtained shall retain the character that they would have retained had such combined billing and/or accounting not been initiated.

(Prior Code, ' 22-1.31)

' 22-1.32 ENFORCEMENT AND PENALTIES.

See Chapter 29.

(Prior Code, ' 22-1.32)

' 22-1.33 REPEALER.

(A) No repealer is contained herein as the procedures authorized herein are intended to supplement existing procedures for collecting funds to defer the cost of the operation, maintenance and replacement of the works of the system.

(B) The funds which are provided to be collected hereunder are collected in lieu of the funds formerly provided by general tax revenues for operation and maintenance.

(Prior Code, ' 22-1.33)

ARTICLE 2. NSF OR REFUSED PAYMENT

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**' 22-2.01 ADOPTION OF POLICY ASSESSING AN NSF OR REFUSED PAYMENT OR
CLOSED ACCOUNT CHARGE.**

The Board of Trustees adopts the analysis of the District staff and hereby determines that it is necessary and proper for the operation of the District to provide an effective means of limiting the delinquency rate in user charge accounts and inducing delinquent user of the services of the District to promptly pay the user charge bills which the District sends to each user.
(Ord. 783, passed 1-27-2005)

' 22-2.02 CHARGING SIMPLE INTEREST INSUFFICIENT.

The Board of Trustees hereby determines that the presently existing means of charging simple interest on the delinquent account amount is insufficient of a means to induce prompt payment for user charges.
(Ord. 783, passed 1-27-2005)

' 22-2.03 DUTY OF STAFF TO ANALYZE COST OF ISSUING BILLS.

The Board of Trustees has requested the District staff to analyze the cost to the District which is occasioned by the requirement of issuing bills to delinquent users of District services and the staff has responded.
(Ord. 783, passed 1-27-2005)

' 22-2.04 BAD CHECKS.

It has also come to the attention of the Board that some users waste the District staff's time and energy by sending checks to the District, which will not be honored for one reason or another, in an attempt to pay their user charges.
(Ord. 783, passed 1-27-2005)

' 22-2.05 CHARGE FOR RETURNED CHECKS.

The Board of Trustees hereby establishes a NSF or account closed or refused payment charge for any check which the District has received, processed and which has been returned without payment: the sum of \$25.
(Ord. 783, passed 1-27-2005)

' 22-2.06 LATE CHARGE.

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(A) *Late charge established.* The Board of Trustees hereby establishes the following means of inducing users of District services to promptly pay the District for the services which the District renders in the form of a late charge. All delinquent bills shall be subject to the late charge.

(B) *Due date.* All District user charge billings shall include a due date thereon, which is not less than 25 calendar days nor greater than 31 calendar days after the issuance of the billing.

(C) *Late charge.*

(1) A minimum late charge is hereby set at \$3.

(2) Each user charge billing shall set forth two amounts:

(a) The amount payable provided that the payment arrives at the District office on or prior to the due date;

(b) An amount added to the user charge billing(s) (calculated as set forth below) if the payment(s) do(es) not arrive at the District until after the due date:

Current billing late charge (to be applicable where the remittance has not been received from the user on or before the due date):	The greater of 10% of the amount of the user charge billing, including NSF or account closed or refused payment charges, if any, and \$3 (minimum late charge)
Subsequent billing late charge applicable to all subsequent billings until the account is paid in full:	The greater of 1.5% of the delinquent bill, including late charges, and NSF or account closed or refused payment charges, if any, from prior bills and the \$3 (minimum late charge)

(c) All of said sums, including the late charges, NSF, closed account or refused payment charges and interest, shall be cumulative.

(Ord. 783, passed 1-27-2005)

' 22-2.07 INTEREST ON DELINQUENT ACCOUNTS.

The interest on delinquent accounts shall remain at 1.5% per month.

(Ord. 783, passed 1-27-2005)

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