

CITY OF NOKOMIS

ORDINANCE NO. 846

AN ORDINANCE AMENDING ARTICLE 5 OF SECTION 38 UTILITIES  
OF THE REVISED CODE OF ORDINANCES OF CITY OF NOKOMIS, IL

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NOKOMIS AS FOLLOWS:

ARTICLE 5 OF SECTION 38, ENTITLED UTILITIES, OTHER REVISED  
CODE OF ORDINANCES, THE CITY OF NOKOMIS, IL,  
SHALL BE AMENDED AS FOLLOWS:

38-5-2 Sec. 1 Bills: Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the City.

Bills for service shall be sent out by the City treasurer on the first day of the month or quarter succeeding the period for which the service is billed.

All bills are due and payable 10 days after being sent out. A penalty of 10% shall be added to all bills not paid by the 10th day after they have been rendered.

Sec. 2 Delinquent Bills: If the charges for such services are not paid within 10 days or 10 days herein above mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Sec. 3 Lien-Notice of Delinquency: Whenever a bill for service remains unpaid for 10 days for monthly service after it has been rendered, the City treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the City treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the treasurer, whenever such bill remains unpaid for the period forty-five days for a monthly bill or one hundred and five days for a quarterly bill after it has been rendered.

The failure of the City 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 as mentioned in the foregoing section.

Sec. 4 Foreclosure of lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the City. The City attorney is hereby authorized and directed to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five days in the case of a monthly bill or one hundred and five days in the case of a quarterly bill after it has been rendered.

Sec. 5 Revenues: All revenues and moneys derived from the operation of the water system shall be deposited in the water account of the water fund. All Such revenues and moneys shall be held by the City treasurer separate and apart from his private funds and separate and apart from all other funds of the City treasurer 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 Mayor and City Council. The City treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the City". Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

Sec. 6 Accounts: The City 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 water system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the water plant for current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.

5. Number of non-metered users.

38-5-11 Sec. 5 : The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or operation, maintenance and replacement costs.

38-5-12 Sec. 8 Access to Records: The IEPA or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City 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). (Loan Agreement and Rules or any State Loan).

38-5-13 Appeals: The method for computation of rates and service charges established for user charges in Article I shall be made available to a user within 30 days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by \_\_\_\_\_ within 30 days after notification of a formal written appeal outlining the discrepancies.

APPENDIX #1

DEFINITIONS

## DEFINITIONS

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

### Sec. 1 Federal Government

"Federal Act" means the Federal 1996 Safe Drinking Water Acts Amendments.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

### Sec. 2 State Government

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

### Sec. 3 Local Government

"Ordinance" means this ordinance.

"City" means the City Council of the City of Nokomis.

### Sec. 4 "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

### Sec. 5 Clarification of word usage: "Shall" is mandatory; may is permissible.

### Sec. 6 Water and its characteristics:

"ppm" shall mean parts per million by weight.

"Milligrams per Liter: shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

Sec.7 "Curb Cock" shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Service Box" shall mean a valve box used with corporation or curb cock.

Sec. 8 Types of charges:

"Water Service Charge" shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Article II and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

"User Charge" shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.

"Basic User Charge" shall mean the basic assessment levied on all users of the public water system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) Outstanding.

"Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the water works.

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. Debt service and capital improvement costs.

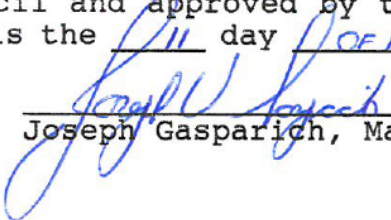
"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and

constructed. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the water works will be operated.

"Water Fund" is the principal accounting designation for all revenues received in the operation of the water system.

Passed by the City Council and approved by the Mayor of the City of Nokomis, Illinois, this the 11 day of May, 1998.

  
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Joseph Gasparich, Mayor

(Corporate Seal)

Attest:   
Pam Burdzilauskas