

ORDINANCE NO. 2005-11-169

AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY OF URBANA CODE OF ORDINANCES

(Sewer Use Charges)

NOW THEREFORE, BE IT ORDAINED BY THE URBANA CITY COUNCIL as follows:

Section 1. The Sewer Use Charges set forth in Section 24-16 of Division 1 of this Article shall be inoperative during the period in which an agreement with the Urbana-Champaign Sanitary District to collect the sewer taxes set forth in this ordinance are in effect.

Section 2. The following is enacted as Division 2 of Chapter 24 of the Urbana City Code:

"Sec. 24-17. Sewer use charges.

(a) Liability for taxes. The owner of a parcel of real property situated in the City of Urbana, Illinois, on January 1st in any year, shall be liable for the taxes imposed under this division of that year and such taxes, together with all penalties, interest and costs that may accrue thereon, shall be a lien on such real property from and after the first day of January of that year until paid.

(a.1) Definitions. As used in this section, the following words and terms shall have the meanings set forth herein:

Billable Unit. Billable Unit shall mean that which is designated as "billable flow" in Section 101(e) of Ordinance No. 604 of the Urbana-Champaign Sanitary District, which reads as follows:

"Billable Flow shall mean either (1) a user's water usage from all sources; or (2) the amount of wastewater discharged in the District's facility as determined by the District."

Taxable Unit. Any lot, tract or parcel having a building or structure, including a mobile home or modular home, which lot, tract or parcel has water-metered service to any building or structure on such lot, tract or parcel, or if such has no metered service, but has a sanitary sewer discharging to either the Urbana-Champaign Sanitary District facilities or City of Urbana sewers.

(b) Taxable unit charge. Each taxable unit shall pay the amount based upon the billable units as determined by the Urbana-Champaign Sanitary District per formula prescribed in Section 14-7 of this Code.

(c) Billing. Such Urbana sewer tax shall be billed and collected in accordance with an agreement then in existence between the City of Urbana and Urbana-Champaign Sanitary District, and the City of Urbana hereby adopts by reference, all of the procedures and details set forth in the Urbana-Champaign Sanitary District Ordinance pertaining to the Urbana-Champaign Sanitary District user charges as amended from time to time so far as such are applicable to the calculation and collection of the Urbana sewer tax set forth herein.

(1) In all cases where the charge has become delinquent and the city elects to file a statement thereof in the office or recorder of deeds as hereinabove set forth, there shall be added prior to recording in addition to the amount due the city 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 the sum of twenty dollars (\$20.00) to reimburse the city for the cost of preparation of such notices and forms required. In each instance, the comptroller or a duly appointed and authorized employee of the city shall be authorized and directed to include such additional costs in the amount claimed due to the city in the notice of lien.

(2) In the alternative, the city 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, or file a complaint for a fine for violation of the ordinance. In addition it shall collect all costs incurred by the city and reasonable attorney fees fixed by the order of the court.

(3) Failure to remit the sewer use benefit tax within thirty (30) days of the statement date shall constitute a violation of this section. Any owner found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with the city's sewer use benefit tax, shall upon conviction be fined not less than one hundred dollars (\$100.00) and no more than five hundred dollars (\$500.00) for each violation.

(e) The Chief Administrative Officer is authorized to enter into an intergovernmental agreement ("Billing Agreement") with the Urbana-Champaign Sanitary District for the said District to process and collect the City of Urbana sewer use tax, and the Chief Administrative Officer is authorized to execute addendums to any such billing agreement that are desirable to effectuate the agreement.

(f) Use of funds. The comptroller of the city shall receive all revenues from charges set forth in this section, and deposit such revenues in the proper fund of the city. Revenues so deposited shall be disbursed as provided by ordinance. Provided, however, the funds collected under this section shall be used for sanitary sewer construction, repair and maintenance, and/or capital debt retirement including interest and engineering and legal costs associated with the sanitary sewer system of the city, and the costs to administer this section, and may also be used for the construction and repair of storm drains to the extent that construction or repair of storm drains substantially and directly alleviates or corrects infiltration of stormwaters into the sanitary sewer system.

PASSED by the City Council this _____ day of _____, 2005.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2005.

Laurel Lunt Prussing, Mayor