

ORDINANCE NO. 8081-111

AN ORDINANCE  
AMENDING ORDINANCE NO. 8081-16,  
ENTITLED, "SEWER BENEFIT ORDINANCE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
URBANA, ILLINOIS, as follows:

That Section 24-16, entitled "Sewer Use Charges", of  
Article II, entitled "Sewers", of Chapter 24, entitled "Utilities",  
of the Code of Ordinances of the City of Urbana, Illinois, as  
amended, be and the same is hereby further amended as follows:

(A) Definitions.

- (1) Residential unit. Any lot having a building or structure, including trailer or modular home, which contains one or more dwelling units and has water metered service to any building or structure on such lot and any of which buildings or structures has a sanitary sewer connection.
- (2) Dwelling unit. One (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, and containing its own kitchen and/or bathroom facilities.
- (3) Nonresidential unit. Any building or any individual segregated portion of a building designed, utilized for or occupied by, any activity other than residential use and has water metered service to the building or structure and which building or structure has a sanitary sewer connection.
- (4) Statement date. The date the charges made under this section are deposited in the United States Mail by the Comptroller for the City of Urbana, Illinois.

(B) Determination of Unit Category. Determination of residential unit or nonresidential unit classification for each parcel or property in the City of Urbana shall be made by the Comptroller on the basis of property codes at the Champaign County Supervisor of Assessment's Office. After the initial classification

by the Comptroller, all properties shall continue to remain so classified unless and until a reclassification is made by the Comptroller based on all available evidence. The classification made by the Comptroller, except for error acknowledged by the Comptroller, shall remain the same until January 1st of each year regardless of change of use prior to January 1st of each year. If the Comptroller determines that a parcel of property should be reclassified because of error in initial classification, such reclassification shall become effective on the date determined by the Comptroller. In the event of a classification error acknowledged by the Comptroller, charges made under this section may be adjusted retroactively for a period not exceeding three (3) years from the date of such reclassification.

(C) Residential Unit Charge. Each residential unit shall pay an amount determined through the following formula, based upon the billed water usage of such residential unit as determined from the records of the Northern Illinois Water Corporation or its successor for an actual or estimated water meter reading during the months of February and March immediately preceeding the statement date. The amount may be amended annually on January 1st. An actual or estimated water meter usage may be adjusted by the Comptroller to an amount which more properly represents an actual water usage figure returned to the Urbana-Champaign Sanitary District for treatment for that period, upon presentation of factual evidence by the property owner. Responsibility for initiating this review and presentation of this factual evidence rests entirely with the property owner. This evidence must be presented to the Comptroller

prior to April 15th of each year to be included in the billing formula for that year.

$$a = \frac{b}{c} \times d$$

a = amount to be paid by the individual residential unit.

b = billed water usage for the individual residential unit (in cubic feet).

c = total billed water usage for all residential units (in cubic feet).

d = \$258,500 (total dollars of public benefit funds and designated operation and maintenance funds to be generated annually by all residential units).

Provided, however, \$53,250 of the funds collected pursuant to this section shall be designated for the operation and maintenance of the sanitary sewer system of the City of Urbana and those funds shall not be available for any other purpose.

(D) Nonresidential Unit Charges. Each nonresidential unit shall pay an amount determined through the following formula, based upon the billed water usage of such nonresidential unit as determined from the records of the Northern Illinois Water Corporation or its successor for an actual or estimated water meter reading during the months of February and March immediately preceeding the statement date. The amount may be amended annually on January 1st. An actual or estimated water meter usage may be adjusted by the Comptroller to an amount which more properly represents an actual water usage figure returned to the Urbana-Champaign Sanitary District for treatment for that period, upon presentation of factual evidence by the property owner. Responsibility for initiating this review and presentation of this factual evidence rests entirely with the property owner. This evidence must be presented to the Comptroller prior to April 15th of each year to be included in the billing formula for that year. Evidence presented after April 15th, shall be included

in the billing formula for the next year.

$$a = \frac{b}{c} \times d$$

a = amount to be paid by the individual nonresidential unit.

b = billed water usage for the individual nonresidential unit (in cubic feet).

c = total billed water usage for all nonresidential units (in cubic feet).

d = \$121,630 (total dollars of public benefit funds and designated operation and maintenance funds to be generated annually by all nonresidential units).

Provided, however, \$25,065 of the funds collected pursuant to this section shall be designated for the operation and maintenance of the sanitary sewer system of the City of Urbana and those funds shall not be available for any other purpose.

(E) Combination Units. In the event a building or structure is occupied by one (1) or more residential units and one (1) or more nonresidential units and the water usage for the building or structure is not separately metered, the estimated water usage of each residential unit that receives water from the common meter shall be considered in the allocation of appropriate charge for such nonresidential unit.

(F) Billing.

(1) All billings shall be created in the name of and forwarded to the property owner as shown in the records of the Supervisor of Assessments at the time of the statement date.

(2) Charges set forth herein for all units shall be computed and billed semi-annually and shall be due and payable within thirty (30) days from the statement date.

In the event the statement of charges remains unpaid after thirty (30) days from the statement date, said charges shall then be delinquent, and there shall be added thereto a late payment penalty in the amount of ten (10) per cent of the amount of such bills for each month, or part thereof, for which payment remains delinquent and outstanding.

(3) Whenever the billable period is for less than the full billing period as maintained by the City, the charges for any portion of such period shall be prorated to the next period.

(4) Bills rendered by the City for charges set forth in this section shall show thereon the name of the property owner, the permanent parcel number of the property for which the charges are rendered, the basis or rate upon which the charges are made, the amount due, when and where payable, the period for which charge is made, and any additional information deemed necessary by the City for the City's purposes.

(G) Delinquent Charges. If a delinquency exists, the amount of penalty charges and the date of delinquency shall also be shown on the bill.

(1) Whenever such charges become delinquent as set forth in subsection (F) hereof, the same along with delinquent charges shall become and constitute a lien upon the real estate to which sewer service is supplied

pursuant to the terms and provisions of Section 11-141-7 of the Illinois Municipal Code (Illinois Revised Statutes, Chapter 24, Section 11-141-7). Statements rendered for such charge shall be deemed notice to the owner of the property 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,
- (b) the amount or amounts of money due; 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 City may foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. 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, and shall collect, as well, all attorneys' fees incurred by it, the same to be fixed by order of the court.

(2) In all cases where the charge has become delinquent and the City elects to file a statement thereof in the Office of Recorder of Deeds as hereinabove set forth, there shall be added 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 a sum determined by the City Council as sufficient to cover 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 the City in the notice of lien.

(H) Responsibilities of Property Owner, City. The failure of any owner of property to receive a bill or statement for charges shall not be grounds for nonpayment or reason to extend or defer the date upon which payment is due or avoid the inclusion of penalties and interest. Owners of property which are subject to recording of notice of lien pursuant to the terms of this section shall be charged with notice of the existence of the charge and are responsible for ascertaining from the City all amounts, if any, due as provided in this section. If it is shown that the City mailed the bill to an address other than is required under subsection (F) above, no late payment charges shall be made, if the charges are in fact paid within thirty (30) days after the City mails a correct statement of charges to the correct address.

(I) 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.

(J) Severability Clause. In the event any one or more of the provisions of this section, for any reason, shall be held to be illegal or invalid, such illegality or invalidity shall not affect the other provisions of this section, but this section shall be construed and enforced as if such illegal or invalid provisions had not been contained therein.

(K) Effective Date. This Ordinance shall become effective on the 1st day of January, 1981.

This Ordinance shall be published in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 18th day of May, 1981.

PASSED by the City Council this 18th day of May, 1981.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 19th day of May, 1981.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

CERTIFICATION OF PUBLICATION

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana News-Gazette on the 26th day of May, 1981, and a Certificate of Publication is attached hereto.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk



# CERTIFICATE OF PUBLICATION IN The News-Gazette

claim for lien shall be made

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The undersigned, M. J. Duco, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for \_\_\_\_\_ consecutive weeks in said newspaper, namely on the following dates:

May 26 , A. D. 19 81  
\_\_\_\_\_, A. D. 19  
\_\_\_\_\_, A. D. 19  
\_\_\_\_\_, A. D. 19  
\_\_\_\_\_, A. D. 19

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By [Signature] Controller

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 75.81