ORDINANCE NO. 1999-09-093

AN ORDINANCE AMENDING SECTION 24-16(d) and (e), ARTICLE II OF THE URBANA CITY CODE RELATING TO SEWER USE CHARGES

BE IT ORDAINED BY THE URBANA CITY COUNCIL as follows:

<u>Section 1.</u> That Section 24-16(d) and (e) of Article II of the Urbana City Code relating to Sewer Use Charges is hereby amended to read as follows:

- "(d) 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 (65 ILCS 5/11-141-7).

Statements rendered for such charge shall be deemed notice to the owner of the property served if such statement is mailed to the owner by U.S. mail in the manner required by this article. 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.

(2) 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.

- (3) 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.
- (4) Failure to remit the sewer use benefit tax within thirty (30) days of the statement date shall constitute a violation of this ordinance. 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) 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 (c) above, no late payment charges or additional penalties shall be assessed, if the charges are in fact paid within thirty (30) days after the city mails a correct statement of charges to the correct address."

<u>Section 2.</u> The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with 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 members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 20thday of September 1999.

AYES: Hayes, Kearns, Patt, Taylor, Wyman

NAYS:

PRESENT:

APPROVED by the Mayor this?

B. Carrier of A.

Tod Satterthwaite, Mayor