

Chapter 13C
FEES and CHARGES for WATER and SEWER

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13C.01 DEFINITIONS

Terms used in this chapter are defined in Chapter 13E and Appendix A of this Code.

13C.02 OFFICIALS

A. The Superintendent of Public Works, Superintendent of Sewerage Works, Building and Zoning Commissioner, and authorized representative of the IEPA and USEPA, ("Official") bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Code. The Official shall have no authority to inquire into any processes, including metallurgical, chemical, oil-refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for water treatment.

B. While performing the necessary work on private properties referred to in Section 13C.02-A, the Official shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13C.03.

C. The Official, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13C.03 EXTENDING WATER AND SEWER LINES

A. No person shall uncover, make any connection with or opening into, use, alter or disturb any public sanitary sewer or water main of the City for the purpose of extending same without first making application to the Clerk for making said extension and to have the proposed extension approved by the City Council.

B. Persons desiring such extension of the water and sewer system shall file with the Clerk four copies of the following documents:

1. Detailed plans and specifications prepared by a registered professional engineer registered in the State of Illinois.
2. IEPA permit application with such supporting documents as are required by the IEPA, completely filled out and ready for City signature.
3. Detailed estimate of cost of the extension.

C. After approval of the plans and specifications by the City Engineer and receipt of an IEPA permit the person or persons shall submit to the Clerk the following documents prior to starting the extension:

1. Agreement and bond executed by the permittee wherein he agrees to make and install the improvements in accordance with the plans and specifications specifying a completion date not more than six months after the date of the agreement unless the City Council determines, on the basis of the recommendation of the City Engineer, that a longer time is necessary.

The guarantee for completion of the improvements by the permittee shall be in the principal amount of 115 percent of the estimated cost as approved by the City Engineer; and secured by either:

- a. A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association subject to draw by the City to complete the improvements if it is not completed within the prescribed time limit.
- b. A clean, non-declining, irrevocable letter of credit issued by a federally insured bank or savings and loan association. The letter shall be approved by the City and provide that funds may be drawn only by the City.

The bond shall remain in effect for a period of three years after acceptance of the work by the City Engineer as a guarantee of good faith of the permittee to correct defects. At the discretion of the City Council the bond may be reduced during the maintenance period.

2. Copies of all permits, insurance and bonds required for street openings or stream crossings and any other permits required by an agency having jurisdiction.
3. Certificates of insurance protecting the City from any liability or damage whatsoever from injury, including death, to any person or property. The amount of the insurance shall be as established by the City Council.

D. Person or persons extending water or sewer shall agree as follows:

1. To pay all costs of plan review by the City Engineer. Payment shall be made to the City prior to the City signing the IEPA permit applications.
2. To pay all costs of inspection including resident supervision if deemed necessary by the City Engineer. The estimated cost of inspection, approved by the City Engineer, shall be deposited with the Treasurer prior to the start of work and additional funds added during the work if required. The permittee, however, shall pay only the actual costs of such services. At the completion of the work any unused portion of the amount deposited shall be returned. No interest shall be paid on deposited funds.
3. Materials and construction methods shall be in conformance with specifications established by the City Engineer.

4. The engineer designing the extension shall file as-built drawings at the completion of the work with the City.

E. The performance bond will not be released until the following documents are filed with the Clerk and approved by the City Council:

1. As-built drawings: one reproducible set and two sets of prints;
2. Release of all permits; and
3. Copies of all tests required by the City.
4. The guarantee period has expired.

F. When any water or sewer main is installed it shall be extended across the entire frontage of the subject property. All extensions shall be made in accordance with this Code.

G. No extension will be allowed to the sanitary sewer system if the City Council determines that the wastewater facilities have inadequate available capacity.

13C.04 TAP ON FEES (Amended Ord. 2005-143A, §4)

A. Sewer Tap-On Fee: A sanitary sewer tap-on fee shall be charged to the owner or owners of any parcel, lot, tract or land or subdivision proposed for construction within the City, or for any connection to the City sewer system from an existing structure. A bathroom, for the purpose of this Section 13C.04, is defined as any room or area containing a toilet. The fee schedule for connection to the City sewer system is found in Section 20.04 of this Code.

B. Water Tap-On Fee: A potable water tap-on fee shall be charged to the owner or owners of any parcel, lot, tract of land or subdivision proposed for construction within the City, or for any connection to the City water system from an existing structure. The fee schedule for connection to the City potable water system is found in Section 20.04 of this Code.

C. Water Meter Installation Fee: In addition to the required tap-on fee, the owner or owners of any parcel shall be required to pay the water meter and meter installation fee found in Section 20.06 of this Code.

13C.05 WATER AND SEWER USER SERVICE RATES, CHARGES

A. Rates, Charges Established: There shall be, and there are hereby established, rates and charges for the use of and for the service supplied by the City's combined waterworks and sewerage system. Except as otherwise provided herein, said charges shall be based on the amount of metered water usage read to the lowest increment of 100 cubic feet. In addition to the metered water usage charge there shall be a maintenance fee and debt service charge, which is determined by the amount of revenue funds required for the principal and interest payments due for all outstanding bonds authorized and issued by the City for financing improvements to the system. The charges and fees, as well as the maintenance fee, shall be billed every two months are set as follows: (Amended Ord. 2006-126, §2; Ord. 2004-131, §3)

	Effective 1/1/07	Effective 1/1/08	Effective 1/1/09
Minimum Charges -- Sewer Only Charges -- Water Only Charges			
Minimum water and sewer charge, up to 267 cubic feet	\$10.68	\$12.28	\$13.88
Sewer only users, per billing period	\$22.52	\$26.97	\$30.48
Water only users, per billing period	\$ 6.73	\$ 7.09	\$ 7.80
Combined Water and Sewer Charges (after minimum usage of 267 cubic feet)			
Water per 100 cubic feet	\$ 2.36	\$ 2.48	\$ 2.60
Sewer collection charge, per 100 cubic feet	\$.59	\$.71	\$.83
Collection debt, per 100 cubic feet	\$.20	\$.32	\$.44
Sewer treatment, per 100 cubic feet	\$.65	\$.77	\$.89
Treatment debt, per 100 cubic feet	\$.20	\$.32	\$.44
Maintenance Fee: required of all water & sewer users	\$10.00	\$12.50	\$12.50

B. Basic Sewer User Charges: The basic sewer user charge shall be determined by the amount of revenue required to operate and maintain the sewerage system and to provide funds for the replacement of component parts for each fiscal year. In addition, the charge shall be based on the water usage as recorded by approved water meters and/or sewage meters for wastewaters having normal concentrations of 200 mg/l of BOD and 250 mg/l of suspended solids. (Amended Ord. 2006-126, §2; Ord. 2004-131, §3)

C. Sewer Only and Non-Metered Users: Sewer users who obtain any portion of their water service from other than public water supply sources may be required to install and maintain, at no expense to the City, water meters that have been approved by the City. In the event the City determines that a non-metered sewer user is discharging more than 1,335 (10,000 gallons) cubic feet per billing period, the user may be required to install a metering device(s) on the building water supply or building sewer to measure the volume of wastewater discharged into the City sewers. (Amended Ord. 2006-126, §2; Ord. 2004-131, §3)

D. Unless service has been cancelled, metering devices shall not be removed without the consent of the City. (Ord. 2006-126, §2; Ord. 2004-131, §3)

E. Water Construction Fee: Until a meter is installed, a flat fee of \$35 shall be charged per billing period for water used during construction of a building. (Ord. 2006-125, §1; Ord. 2005-143A, §5)

F. Final Meter Reading: There shall be a final meter reading fee of \$50. (Ord. 2005143A, 5)

13C.07 ANNUAL AUDIT OF CHARGES

The adequacy of the water and sewer user service rates and charges shall be reviewed annually by the certified public accountants for the City in their annual audit report. If, at any time, the rates and charges are not sufficient to pay the costs of operation and maintenance, to provide adequate funds for replacement and to pay the principal and interest of outstanding bonds and provide bond reserve funds required in bond ordinances, the City Council shall increase the rates and charges so that the same are sufficient to provide adequate revenues for said purposes.

13C.08 BILLING PROCEDURES

A. Water and sewer user services charges shall be billed every two months. Despite the joint liability of property owners, occupants and users, the bills for such service shall be mailed to the property owners. It shall be the responsibility of the property owner to make prompt payment of the bill without regard to any agreements the property owner may have with his tenant regarding payment procedures. Although the City shall also have the right to seek collection from, and take action against users and occupants for the non-payment of said bills, the City shall follow a policy of, in any event, demanding direct and prompt payment from property owners and shall take such action as is legal and appropriate to enforce and compel payment by said property owners, including exercise of the City's legal right to terminate and shut off service. (Ord. 94-125, §3, 1994)

Said bills shall be mailed to said property owners on or after the first day of the month succeeding the billing period for which the service is billed, and payment shall be due 20 days after the date of the billing. If payment of the entire amount of said bill for water and/or sewer charges is not received by the City on or before the 20th day after the billing date, then a late payment charge of 10 percent of the unpaid balance of the bill shall be added and become due and payable. (Ord. 94-125, §3, 1994)

B. The property owners, the occupant thereof and the user of the water and/or sewer service shall be jointly and severally liable to pay for such service to such premises, and such service is furnished to the premises by the City only upon the condition that the property owner, occupant and user of such service are jointly and severally liable therefor to the City.

C. In the event the water and/or sewer charges, including any late payment charges then due, are not paid within 30 days after the date of billing, such charges and late payment charges shall be deemed to be delinquent, and the City shall have the following remedies, which, except as otherwise provided in this subsection, shall be cumulative and not mutually exclusive:

1. To terminate water service to any premises for which water and/or sewer charges are delinquent, upon notice to the property owner and occupant as provided in Section 13C.09.
2. To file a Notice of Lien with the McHenry County Recorder of Deeds against any premises for which water and/or sewer charges are delinquent, in the amount of said delinquent charges, and to foreclose on said lien in the manner provided in Section 13C.09.
3. To sue the owner, occupant or user of any premises for which water and/or sewer charges are delinquent in a civil action to recover monies due in the amount of said delinquent charges, plus court costs and reasonable attorneys' fees.

D. The City may require that bills be paid in cash in the event two checks are returned to the City due to insufficient funds within a 12 month period.

E. A \$5.00 fee shall be charged for the following account transactions: opening a new account, change of billing address and final readings for closing an account. (Ord. 98-133, §4, 1998)

13C.09 TERMINATION OF WATER SERVICE, NOTICE, HEARING

A. Before water service may be terminated to any premises for which water and/or sewer charges remain unpaid for a period of 30 days after said charges have been billed, or because an actual water meter has not been read for 12 consecutive months, the Water Billing Department shall deliver personally, or mail to the property owner, if known to the City, and any occupant being billed for services to the premises for which water and/or sewer charges remain unpaid, informing them of:

1. The amount of the delinquent charges, including late charges, the dates of service for which said charges are claimed to be due; or
2. The fact that an actual water meter reading has not been obtained in 12 consecutive months; and
3. Advising them that they have the right to review the delinquency claimed or failed attempt to read the water meter before the Water Billing Department Supervisor.

The notice shall provide that the occupants and the property owner may appear before the Water Billing Department at City Hall on a date not less than seven days from the date of the mailing of the notice of a hearing regarding the delinquent charges, any dispute with regard thereto or the failed attempt to read the water meter.

B. The hearing shall be conducted informally, but may, with the mutual consent of the parties, be recorded by suitable sound reproduction equipment. Any and all written documents, memoranda or other tangible exhibits offered by the owner, occupant or user shall become part of the record of the hearing.

C. After the proceedings outlined in this section have been followed water service may be terminated by the City if the water and/or sewer charges set forth in the notice remain unpaid or if the City has not obtained an actual reading of the water meter.

13C.10 REINSTATEMENT OF SERVICE

Reconnection charges shall be paid in the sum of \$50.00 each time service is reconnected. Service shall only be reconnected Monday through Friday from 7 a.m. to 3:20 p.m. Or a \$100.00 fee for non-emergency calls shall be charged after working hours and on weekends, each time service is reconnected.

13C.11 NOTICE OF LIEN, FORECLOSURE

A. In the event that charges for water and/or sewer service provided to any premises become delinquent as provided in Section 13C.06-C, the City shall file a Notice of Lien claim with the McHenry County Recorder of Deeds and shall mail a copy thereof to the property owner. Said Notice of Lien claim shall include the legal description of the property to which water and/or sewer service was provided, the amount of the unpaid user service charges and late payment charges, and a notice that the City claims a lien for the stated amount, as well as for all unpaid water and sewer service user charges and late payment charges subsequent to the period for which the bill was rendered. The failure of the property owner to receive such Notice of Lien shall not affect the right of the City to foreclose the lien claimed therein.

B. Property subject to a lien for unpaid water and/or sewer charges shall be sold for nonpayment 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 mortgages on real estate. Such foreclosure shall be by Complaint in Chancery in the name of the City. The City Attorney is authorized and directed to institute such proceedings in the name of the City in any court of competent jurisdiction.

13C.12 PAYMENT OF CHARGES REQUIRED BEFORE SALE OF PROPERTY

A. Purpose: To insure that any property receiving water and/or sewer service from the City is not in arrears for any City water and/or sewer service.

B. Procedure: At the time a property is listed for sale, or an offer to purchase real estate is made or a complaint for foreclosure is filed, whichever ever occurs first, and that real estate receives water and/or sewer service from the City, the seller or defendant-debtor in a mortgagor foreclosure proceeding shall, within five days, notify the City in writing of the execution of the sales contract or the intention to sell the property or service of the foreclosure complaint on the defendant-debtor. In the event the property is listed for sale through a real estate agency, the agency shall notify the City in writing within five days of the execution of the listing agreement. Said notice shall effectively inform the City of the name and address of the listed property and owner. The City also reserves the right to conduct a walk through inspection of the property by the Superintendent of Public Works or his designee. The purpose of this inspection is to obtain an accurate reading of water usage and determine compliance with City ordinances.

C. Violation/Penalty: Any person, firm or corporation violating any provision of Section 13C.12 shall be fined not less than \$50.00 nor more than \$500.00 for each offense. A separate offense shall be deemed for each day on which a violation occurs or continues.

13C.13 SYSTEM OF ACCOUNTS, AUDIT

A. The City Treasurer shall receive all such revenues from the combined waterworks and sewerage 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 a separate fund designated as by "City of Harvard Waterworks and Sewerage Fund" and the Treasurer shall administer such funds in every respect in the manner provided by the provisions of 65 ILCS 5/11-139-1 et seq.

B. The City Treasurer shall keep or cause to be kept full and complete books of accounts, separate and apart from any other records of the City, showing in detail all moneys received by him

with data and sources and all matters pertaining to his office in a clear and methodical manner. He shall also keep such other books as the City Council may from time to time direct. All such books, accounts and papers pertaining to said office shall, at all reasonable times, be open to the inspection of the City Council, the holder of any outstanding waterworks and sewerage revenue bonds or any duly authorized agent or agents of such holder. 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 combined waterworks and sewerage 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 combined waterworks and sewerage system.

C. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewerage works, including a replacement cost, to indicate that sewer user service charges and industrial cost recovery charges do in fact comply with this chapter. In this regard, the financial information to be shown in the audit report shall include the following:

1. Flow data, showing total gallons of wastewater flow for the fiscal year;
2. Bill data, who show total number of gallons billed;
3. Debt service for the next succeeding fiscal year;
4. Number of users connected to the sewerage works;
5. Number of nonmetered users; and
6. A list of users discharging industrial wastes, and volume of waste discharged.

D. 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 or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to the state grant.

13C-14 VARIATIONS

In the event a variation from Chapter 13, which encompasses 13A thru 13E, is granted by the Corporate Authorities said variation shall be regulated by this Code and any applicable county, state and federal regulations.

13C.15 PENALTY

Unless another penalty is specifically provided by this chapter for the violation of any particular section hereof, any person violating any provision of this chapter or any rule or regulation adopted or issued in pursuance hereof, or any lawful order made by a City official hereunder, shall, upon conviction, be subject to a fine of not less than \$50.00 nor more than \$500.00, plus all costs of prosecution, including but not limited to filing fees, witness fees, attorneys fees and the revocation of any permit for water or sewer service.