ORDINANCE NO. 2015-XX
AN ORDINACE AMENDING THE CORTLAND TOWN CODE
TITLE 7, ARTICLE 7-3A and 3B
ALL RELATING TO SEWER

WHEREAS, the Town of Cortland desires to maintain an up to date code therefore, amendments are required from time to time;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE TOWN BOARD OF TRUSTEES OF THE TOWN OF CORTLAND, ILLINOIS, AS FOLLOWS:

Section 1 - 7-3A-14: BILLS, REVENUES, ACCOUNTS. Hereby amended by deleting it in its entirety and replacing with the following (amendments in italics):
Said wastewater service charges for service shall be payable depending on the classification of service for which bills are rendered.

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 town only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the town.

The town shall send out bills for sewer service ~~as of~~ *not earlier than* the first day and no later than the *tenth* ~~fifteenth~~ day of the month for the quarter succeeding the period for which the service is billed.

Whenever a bill for sewer service remains unpaid on the ~~last day~~ 25th of the month in which it has been sent out, a ~~penalty of one and one-half percent (11/2%) per month (18 percent annual rate) shall be added to the amount due penalty~~ *will apply in accordance with section 1-8-2 of this code*. Bills remaining unpaid for thirty (30) days after they have been sent out shall be considered delinquent.

A. A unit shall be a single-family home and in multiple-family residences, each separate living quarters shall also be a unit; in commercial establishments, every multiple of twenty five (25) employees shall be considered a unit; in school buildings, every twenty five (25) students, based on the enrollment of September 30 of each year, shall be considered a unit.

B. There is hereby established a rate or charge for the use or service for the sewer system for the town. The usage fee will be in accordance with section 1-8-2 of this code. On new homes, the usage fee will commence and start on the first day the new construction is actually able to use the sewer system. (Ord. 1999-14, 10-25-1999)

C. Whenever a bill for sewer service is delinquent, the town clerk is authorized to file with the county recorder of deeds a statement of lien claim. This notice of lien shall contain the legal description of the premises served, the amount of the unpaid bill, the date when the monies owed became delinquent under this section and a notice that the town claims a lien for this amount. Fifteen (15) days prior to the filing of said lien the town clerk shall send to the owner or owners of record of the premises, as referenced by the taxpayer's identification number, a copy of each delinquency notice sent to the

person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and a notice that unpaid charges or rates may create a lien on the real estate under this section. (Ord. 2005-36, 8-22-2005, eff. 8-22-2005; amd. Ord. 2014-05, 7-28-2014)

D. The town attorney is hereby authorized to institute proceedings to foreclose the lien for unpaid charges in any court having jurisdiction over such matters against any property for which the bill has remained delinquent for forty five (45) days. The town attorney is further authorized to sue the occupant or user of the premises in a civil action to recover money due for services rendered plus a reasonable attorney fee.

E. When this article becomes effective, a copy thereof properly certified by the town clerk, shall be filed in the office of the recorder of deeds of DeKalb County, and it shall be deemed notice to all owners of real estate of their liability for sewerage service supplied to any occupant or user of such service on their property. (Ord. 1999-14, 10-25-1999)

F. All revenues and monies derived from the operation of the sewerage system shall be recorded in the sewer system fund. All such revenues and monies shall be held by the town separate and apart from all other funds of the town.

G. The town 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 sewerage system, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system. (Ord. 1999-14, 10-25-1999; amd. Ord. 2014-05, 7-28-2014)

H. A copy of this article properly certified by the town clerk shall be filed in the office of the county clerk and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said town on their properties.

I. The Illinois environmental protection agency or its authorized representative shall have access to any books, documents, papers and records of the town which are applicable to the town system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state grant. (Ord. 1999-14, 10-25-1999)

J. Disconnections - Whenever the Director or his designee verify that a property does not have a potable water connection, and one could not be established without further permitting, the Utility Billing Officer may be directed to disconnect the property from the utility billing system until potable water service is reestablished.

Section 2 – 7-3B-2: ENFORCEMENT AND COMPLIANCE WITH REGULATIONS.
Hereby amended by deleting it in its entirety and replacing with the following (amendments in italics):
The regulations of this article govern every user of town water and shall be part of the contract between the town and every such user. In making application for water service,

every user shall agree in writing to be bound thereby. It is the duty of the director of public works Water and Wastewater, herein referred to as "director", to enforce these regulations. (Ord. 1980-10, 1-12-1981, eff. 2-1-1981; amd. 1998 Code; Ord. 2011-19, 7-25-2011; Ord. 2014-05, 7-28-2014)

Section 3 – CONFLICTING LANGUAGE. If this Ordinance is in conflict with any other Ordinance or parts of Ordinances currently in effect, the conflicting provisions of the other Ordinances are hereby repealed as they relate to this Ordinance.

Section 4 – EFFECTIVE DATE. This Ordinance shall be in effect from and after its passage, approval, and publication in pamphlet form as is provided by law.

PASSED and this APPROVED this ____ day of _____, 2015.

AYES:

NAYS:

ABSENT:

_____
Russell C. Stokes, Mayor

ATTEST:

_____
Cheryl Aldis, Town Clerk