use and service is applied. The Clerk, is hereby authorized and directed to file Sworn Statements showing such delinquencies, in either the Office of the Recorder of Deeds of Cook or DuPage County, Illinois, or in the Office of the Registrar of Titles of Cook County, Illinois and the filing of such statements in the appropriate office shall be deemed notice for the payment of such charges for such use and service. At any time after the filing of a lien, the District may elect to foreclose said lien, and the procedure for the foreclosure of said lien shall be the same as is set forth in the Illinois Revised Statutes for Foreclosure of Real Estate Mortgages.

21-1.04 Basis of Charge

The charge shall be based upon EQUIVALENT FAMILY UNIT.

21-1.05 Exception

The charge shall not be applicable in the Village of Hinsdale where the District is not responsible for cleaning and maintenance.

CHAPTER 22

SEWAGE DISPOSAL-PUBLIC-SEWERS-PERIODIC CHARGES-FEDERAL USER IN LIEU OF AD VALORUM TAXES

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22-1.01 User Charge Policy

It is hereby declared to be the policy of the District to adhere to the requirements of Title 40 - Protection of the Environment, Chapter

1 - Environmental Protection Agency, Subchapter D - Grants, Part 35 - State and Local Assistance, Final Grant Regulations, effective February 11, 1974 and all subsequent enactments and regulations issued pursuant to the Federal Water Pollution Control Act of 1972. This section is a separate enactment enacted under Federal Law and its provisions shall be self sufficient and not dependent upon any other section except where expressly so stated.

In this codification Ordinance #405, the underlying ordinance expressing the principles established by the District in compliance with the Federal Grant regulations remains generally unrepealed. The Sections which are enacted herein are in part reprinted for convenience purposes, but some amendments have been made reflecting new concepts and others for clarity. In all cases the intent is and it is hereby ORDAINED that Ordinance #405 remains in effect and the charges under Ordinance #405 shall continue to apply until the date that the provisions and/or charges hereunder become effective.

22-1.02 Tax Abatement

From and after the effective date of this Ordinance, the District shall cease levying ad valorem taxes to provide funds for the operation, maintenance and replacement of the Works of the System and in lieu thereof shall assess to all users, in accordance with the provisions set forth below, a Federal User Charge in Lieu of Ad Valorem Taxes. The funds received or accrued under the provisions of this Ordinance shall be and for all purposes they shall be deemed to be the same as if they were collected by the District as ad valorem taxes and such funds shall

be totally exempt from liability for any charge or claim which could not be asserted against ad valorem tax receipts received by the District.

In the event that the Board of Trustees elects to submit a combined billing for the charges established hereunder and the charges established under any other ordinances of the District, the charges collected under such other ordinances shall be deemed to be and shall for all purposes be treated the same as if this Ordinance had not been enacted.

22-1.03 Adoption of Staff Assumptions and Analyses as set forth in Preamble of Ordinance No. 405

The Board of Trustees, having duly considered the actions and analyses of the staff of the District in the preparation of this Ordinance and having directed the attorney to set forth those matters in the preamble of this Ordinance, hereby adopts such assumptions and analyses as the basis for the establishment of a method of procedure for the assessment and collection of a user charge pursuant to the Federal regulations cited above.

22-1.04 Method of Procedure

From and after February 1, 1975 the Board of Trustees shall discontinue the statutory procedure under the Sanitary District Act of 1917 for appropriation and levy, where applicable, of an ad valorem tax for the operation, maintenance and replacement of the Works of the System. The Board shall continue under the applicable State of Illinois

Statutes to follow the appropriation and levy procedures for all other District functions not contained within the operation, maintenance and replacement budgets, specifically including funds for general obligation bond debt service and public benefit funds as authorized in the 1979 Illinois Revised Statutes, Chapter 42, Section 317-d.1.

22-1.05 Nonduplication of Charges-Authority

"User Charge" as defined in this Ordinance, shall mean the Federal User Charge In Lieu of Ad Valorem Taxes, and shall be commonly referred to as "User Charge". It shall be deemed that there is no duplication of the charges made hereunder and any charges made under any other sections of this Ordinance which may coincidentally refer to the term "User Charge". The charges assessed hereunder are specifically a substitute for ad valorem taxes as provided by the Federal Regulations and the Comptroller General's Interpretation thereof, as set forth in the July 2, 1974 Decision Identified as File No. B166506.

22-1.06 Commencement-User Charge

That commencing with the effective date of this Ordinance the District shall charge Federal User Charges and Industrial User Surcharges to defer the costs of the operation, maintenance and replacement of the Works of the System of the District In Lieu of Ad Valorem Taxes. Until said effective date Ordinance #405 shall remain applicable.

22-1.07 Commencement-Industrial Cost Recovery

That commencing with the effective date of this Ordinance the District shall charge all industrial users who have commenced use of the treatment works, an Industrial Cost Recovery Charge to recover the Federal grant funds attributable to the Industrial users, as defined in Section 35.928-1 of the Federal Regulations. Until said effective date Ordinance #405 shall remain applicable.

22-1.08 Adoption of Federal Promulgation

That such User Charge, Industrial User Surcharge and Industrial Cost Recovery Charge shall be based upon the provisions of the Federal Act and Regulations as are set forth in Ordinance #405 and all other applicable Federal Acts and Regulations referred to therein, and they are adopted hereby as a part of this Ordinance.

22-1.09 Declaration of Percentage of Total Annual Costs

The Board of Trustees hereby declares the percentage of total annual fiscal year costs attributable to the constituent parts of the user charge for the last one-fourth (1/4) of the fiscal year ending April 30, 1975 and the fiscal year commencing May 1, 1975 to be as follows:

Non-industrial user charge	
(Domestic type wastes)	78%

Industrial user charge (Domestic type wastes)	22%
Industrial user surcharge (Non-domestic type wastes)	0%

The Board of Trustees shall hereafter, for fiscal years commencing subsequent to the end of each fiscal year, annually determine and declare the percentage of total cost of operation, maintenance and replacement to be shared by each of the foregoing categories. Once amended, the percentages shall remain as amended for subsequent years until further amended.

22-1.10 Declaration of Percentage of Use

The Board of Trustees shall determine and declare annually by Resolution or otherwise the following:

1. The percentage of contribution of domestic waste inflow/District of each of the following categories of users of the Works of the System for UCS purposes:

(a) Domestic

i. single family residence

ii. other residential

(b) Commercial

(c) Industrial

(d) Institutional

(e) Governmental

2. The percentage of contribution of non-domestic waste inflow/District of each of the following categories of users of the Works of the System for UCS purposes:

(a) Domestic - other than single family residential

(b) Commercial

(c) Industrial

(d) Institutional

(e) Governmental

3. The percentage of contribution of industrial waste water inflow/District for all industrial users as defined for ICRS purposes.

22-1.11 Annual Declaration of Costs

After determining the foregoing percentages the Board of Trustees shall once per fiscal year determine and declare the Industrial User Surcharge costs for the treatment and removal of non-domestic pollutants. Until amended by the Board of Trustees, the following table shall be used as quantity of pollutants maximum permissible rate of discharge and the cost per milligram per liter per One Thousand (1,000) gallons per each pollutant in excess of the cost of treatment of domestic wastes.

Such table includes the chemical constituency of normal domestic waste as well as establishing the rates of discharge and cost of treatment for removal of certain chemicals. Such cost of treatment may be amended from time to time by resolution of the Board of Trustees.

CHEMICAL CONSTITUTENT:	VOLUME IN DOMESTIC HOMES:	RATE OF USER DISCHARGE	I.E.P.A. EFF. REQUIRE:	FOR VOLUMES EXCEEDING SINGLE FAMILY USAGE COSTS/MG/L 1,000 GALS:
Ammonia Nitrogen (ASN)	30 MG/L	30 MG/L	1.5 MG/L	$0.03
Arsenic		5 MG/L	1.0 MG/L	0.07
Barium		25 MG/L	5.0 MG/L	0.20
Biochemical Oxygen Demand	250 MG/L	250 MG/L	5.0 MG/L	0.0523
Boron		5.0 MG/L	1.0 MG/L	0.19
Cadmium		0.25 MG/L	0.05 MG/L	0.07
Chlorides	100 MG/L	100 MG/L	500 MG/L	0.49
Chromium (Tot. Hexavalent)		0.5 MG/L	0.05 MG/L	2.50
Chromiun (Tot. Trivalent)		5.0 MG/L	1.00 MG/L	0.60
Copper		0.1 MG/L	0.02 MG/L	0.08
Cyanide		0.335 MG/L	0.025 MG/L	0.05
Flouride	0.8 MG/L	1.4 MG/L	1.4 MG/L	0.25
Iron (Total)	0.8 MG/L	5.0 MG/L	1.0 MG/L	0.08
Lead (Total)		0.5 MG/L	0.1 MG/L	1.00
Manganese (Total)		5.0 MG/L	1.0 MG/L	0.01

Mercury (Total)		.0025 MG/L	.0005 MG/L	2.00
Nickel (Total)		5.0 MG/L	1.0 MG/L	0.35
Oil (Hexane Soluables)	100 MG/L	75 MG/L	15 MG/L	0.50
pH	6 - 9	5.5-9	6.5-9	0.10
Phenols		0.5 MG/L	0.1 MG/L	0.08
Phosphorous (p)	10 MG/L	10.0 MG/L	1.0 MG/L	0.03
Selenium (Total)		5.0 MG/L	1.0 MG/L	0.10
Silver (Total)		.025 MG/L	.005 MG/L	0.100
Sulfate		2500 MG/L	500 MG/L	0.10
Suspended Solids	300 MG/L	275 MG/L	6 MG/L	0.0587
Total Dissolved Solids	5000 MG/L	5000 MG/L	1000 MG/L	0.08
Zinc		5.0 MG/L	1.0 MG/L	0.25
Volume of Flow	250 G/D Each Home	400 G/D Equiv. Homes in Floor Area	400 G/D Each Home	0.07

22-1.12 Declaration of Allowable Concentrations of Chemicals

Based upon the experience of the District, the Board of Trustees has determined that excess concentrations of certain chemicals result in upsets in the operation of some or all of the several components of the plant system which may result in pollution discharges. Therefore, the Board of Trustees hereby declares that the rate of user discharge of the named chemicals into the District system shall not exceed those rates set forth in the schedule in Section 22-1.11. It is hereby declared to be unlawful to discharge chemicals at rates in excess of those set forth therein.

22-1.13 Excess Discharges-Violations

In the event that a user discharges chemicals in excess of the permissable rates, the District shall proceed as follows:

A. First Violation. The District shall notify the user of the violation and shall establish a date for a conference with the user within ten (10) days of ascertainment of the violation. At such

conference, the District shall determine the nature of the action of the user being taken to preclude a recurrence of the violation. If it appears that the user is taking or has taken steps to preclude the recurrence, no further steps shall be taken by the District other than to verify that the planned steps have actually been taken.

B. Second Violation. The District shall issue a citation or violation notice to the user for violation of the limitations set forth herein, pursuant to the penalties and enforcement sections of this Ordinance.

C. Third Violation. The District shall issue a citation or violation notice to the user for violation of the limitations set forth herein, pursuant to the penalties and enforcement sections of this Ordinance.

D. The District may, in its discretion at any time after conviction for a third violation, require the user to institute a program of pretreatment which will guarantee the District that such discharges will not be repeated, or in the event that the District's Executive Director believes that pretreatment will not safeguard the integrity of the District system, the Executive Director may recommend to the Board of Trustees, and the Board of Trustees may enact a disconnection order. Upon the enactment of a disconnection order, the users shall be given sixty (60) days to disconnect from the District system and provide privately-owned facilities for the treatment of such effluent.

E. If at any time subsequent to the enactment of this Ordinance such discharges by any users result in plant upsets and/or discharges of pollutants to the natural water course, the District shall have the right to assess to such user the actual costs incurred by the District arising out of such upset or pollutant discharge whether such costs be costs of rectifying the plant upset or shall be penalties assessed by any court or administrative body against the District for fish kills or otherwise. Such sum may be assessed as additional user charges, or as fines if a violation notice was served at the election of the Board of Trustees. Such sums shall also be collectable in a civil suit against the then user in violation.

22-1.14 Adoption of Federal Models

The Board of Trustees hereby adopts model formulas 1 and 2 from Appendix "B" of the regulations for use by the staff of the District in determining the billing to the several owners and classes of users contribution waste water inflow/District to the Works of the System.

A. Model 1 shall be utilized for the percentage of the Works of the System declared by the Board of Trustees to be allocated to treatment of domestic wastes.

B. Model 2 shall be utilized for the percentage of the Works of the System declared by the Board of Trustees to be allocated for other than treatment of domestic wastes, or where BOD, suspended solids or other pollutant concentrations exceed the range of concentration of these pollutants in normal domestic wastes or where abnormal flow

characteristics are exhibited, and the result determined thereby shall be used in the calculation and assessment of the Industrial User Surcharge.

22-1.15 Annual Declaration of Cost Recovery Amounts

The Board of Trustees shall once per fiscal year determine and declare the amount of industrial cost recovery to be collected from industrial users as defined for ICRS purposes to recover the Federal grant amount allocable to the portions of the Works of the System utilized by industrial users, including users exhibiting abnormal flow characteristics.

22-1.16 Budget-Operation-Maintenance and Replacement

A. Each year the District, through its employees, shall prepare the estimated operation, maintenance and replacement budget for the forthcoming fiscal year, specifically including replacements and renewals. Such budget shall be prepared in accordance with general accounting principles and shall be based primarily, but not exclusively, upon the expenditures for such categories as set forth in the annual audit for the previous fiscal year of the District, and in addition thereto all new anticipated operational, maintenance and replacement expenses shall be included therein.

B. The budget shall be submitted to the Board of Trustees and shall be considered and amended, if necessary, and shall be adopted by the Board of Trustees, as the operation, maintenance and replacement budget of the District for the subsequent fiscal year, by ordinance, in

like manner as the Appropriation Ordinance is required to be enacted in accordance with Illinois Law. The District shall continue to prepare the Budget and Appropriation and Levy Ordinances for all funds and expenditures not related to operation, maintenance and replacement in the manner provided under the Illinois Revised Statutes.

The budget shall provide for the following:

1. Distribution among the several users and classes of users of the following:

(a) The cost of operation, maintenance and replacement of the proportion of the Works of the System utilized for treatment of primarily domestic wastes, based upon the known and estimated anticipated costs. Each fiscal year budget shall specifically state the percentage of the total budget related to domestic wastes.

(b) The cost of operation, maintenance and replacement of the proportion of the Works of the System utilized for treatment of primarily other than domestic wastes, based upon the known and estimated anticipated costs. Each fiscal year budget shall specifically state the percentage of the total budget related to non-domestic wastes.

2. The budget shall specify the following:

(a) The percentages of total use of capacity for facilities within the system which are used for both domestic and industrial waste treatment.

(b) The annual amount to be recovered in accordance with the requirement of the industrial cost recovery system of the Federal Act.

22-1.17 Division of Expenses for UCS Purposes

A. There shall be submitted to the Board of Trustees simultaneously with the Budget, a summary total of waste water loadings, as defined herein under "Wasterwater Loadings" emanating from all users during the previous twelve (12) month period.

B. The Board of Trustees shall divide the respective portions of the budget total into the total waste water loadings as thus calculated for each category according to the declared percentages of use and arrive at the user charge cost per One Thousand (1,000) gallons to be used for the subsequent year for each category.

22-1.18 Establishment of the Federal User Charge

From and after the effective date of this Ordinance there shall be and there is hereby established a fiscal Federal User Charge In Lieu of Ad Valorem Taxes per unit of measurement as defined herein, which charge shall be made to each individual user, including governmental users, as established in accordance with the budget procedures set forth above, in order to distribute the costs of operation, maintenance and replacement of the Works of the System of each user or user class in the approximate proportion to such user or user class to his contribution to the total waste water loadings of the Works of the System. The fiscal

charge shall become a lien upon the lands within the District on January 1st of each year, however the lien imposed by Ordinance #405 shall remain in full force and effect after passage of this Ordinance. The charge shall be payable in quarterly installments based upon use. The constituent parts of charges to differing classes of users shall be as follows and such charge shall be based on the most recent ascertainable information:

(a) Flat Rate Charge

(b) Service Availability Charge

(c) Computed User Charge, Non-industrial

(d) Estimated User Charge, Non-industrial

(e) Computed Industrial User Surcharge

(f) Estimated Industrial User Surcharge

A. The user charge unit cost for all solely domestic waste contributors with normal flow rate characteristics shall be fiscally determined by ascertaining the result obtained by dividing the proportion of the budget relating to primarily domestic type wastes into the sum total of individual waste water loadings for all solely domestic waste contributors with normal flow rate characteristics as determined by water meter readings, flow meter readings, if any, and flat rate estimates of flow related to the percentage of use declared for non-industrial users, as per Model No. 1.

B. The industrial user charge unit cost shall be a combination of domestic waste cost and non-domestic waste cost and shall be determined by ascertaining the composite of the sums of the following:

1. The result obtained by dividing the proportion of the budget relating to primarily domestic-type wastes of industrial users into the portion of the sum total of the industrial waste water loadings.

2. The charge made to each industrial user for the proportionate share of such user of the cost of removing from the District's effluent the chemicals set forth in the schedule above.

3. The charge made to each industrial user for having abnormal flow rate characteristics.

For ease of calculation of 1, 2, and 3 charges, Models 1 and 2 shall be utilized in setting actual charges.

22-1.19 Establishment of Federal Industrial Cost Recovery Charge

From and after the effective date of this Ordinance there shall be and there is hereby established a fiscal Industrial Cost Recovery Charge, which charge shall be made to each individual industrial user, equalling the proportionate share of such user's use of the total capacity of the system paid for by federal grant funds as will pay for such portion of the system used by such industrial user over a period of the life of the system. The charge shall become a lien upon the affected lands within the District on January 1st of each year, however the lien imposed by Ordinance #405 shall remain in full force and effect after passage of this Ordinance. The charge shall be payable as specified at the time of determination by the Board of Trustees, but not less than annually.

For ease of calculation of the industrial cost recovery charge, the following formula shall be used:

#1 $$\frac{T}{Qp} = Tpe$$

#2 $$\frac{Tpe \quad X}{L} = Y$$

T = Total cost of project.

Tpe = Cost of project/population equivalent capacity of project

Qp = Total capacity of project in population equivalents.

L = Total life of project.

X = Total population equivalent loading attributable to an individual industrial user per unit of time.

Y = Individual industrial user cost recovery charge per unit of time.

22-1.20 Applicability of Charges for New Users

New users for which no water meter readings are yet available shall be charged the applicable Flat Rate until sufficient meter readings are available to ascertain their contribution to the Works of the System.

The initial Flat Rate charge for new users obtaining permits subsequent to the effective date of this Ordinance shall be deposited at the time of issuance of connection permit, and regular billings shall commence on the first day of the first full quarter next succeeding the date of the issuance of the connection permit by the District. The Flat Rate shall be applicable thereafter until meter readings become available, except in cases where the Executive Director of the District submits to the Board of Trustees an estimate of expected use and the Board of

Trustees approves the estimate and assesses a specific Flat Rate charge by Resolution.

22-1.21 Manner of Billing and Collection

The District billing system is in part dependent upon third parties providing water service within the District service area for billing data due to the third party owned and operated water systems from which the flow data is obtained. Some of the third party systems are on a quarterly system and others are on a bi-monthly system.

The District system shall be adapted by the computer staff upon approval of the Board to the necessities of the data suppliers.

As soon as practicable after the availability of meter or flow data is supplied to the District the bills for the period covered shall be sent out. The billings shall become due thirty (30) days after mailing with delinquent penalties being assessed if not paid when due and may be paid prior to the due date without penalty at their net amount. Thereafter, for each month that the net amount remains unpaid, there shall be added thereto a penalty at the rate of one and one-half per cent (1-1/2%) each month until paid. Bills for single users with multiple water meters shall be considered as one bill, and if any portion thereof is unpaid, the entire amount shall be considered to be delinquent. In the event that any user fails to pay the billed charge for ninety (90) days after the due date the District shall proceed to terminate service and serve termination notice upon such user, as provided below, or in the alternative, the District may file a lien of record in the Recorder's

Office of the county in which the user is located in accordance with the provision set forth herein.

The charges under this Ordinance are user charges assessed upon the user; however, the initial billing in all cases where such premises or portion thereof are being served by a public water system shall be made to the person or entity to whom the charges for water services are billed by the water service owner.

In the event that the person or entity fails to pay the billed amount for in excess of thirty (30) days after the billing the District shall investigate to ascertain the identity of the actual user and the person or entity who is the owner of the premises. Upon ascertainment thereof the District shall send duplicate billings to such persons which bear the following legend on the reverse side thereof:

BILLING TO THE USER

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes and/or the Industrial Cost Recovery Charge to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied and used by you. The charges set forth hereon have been billed to the person being billed for water service and have not been paid by such person. Service will be terminated in accordance with the procedures provided in the Ordinances of the District if these charges are not promptly paid. The charges billed are delinquent on (here insert delinquency date.)

BILLING TO THE OWNER

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes and/or the Industrial Cost Recovery Charge to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied and used by (insert name of user.) The charges set forth hereon have been billed to

the person being billed for water service. They have not been paid to this date. A subsequent billing has been made simultaneously herewith to the user. In the event that the user fails to pay these charges it shall be the duty of the owner of the building to pay them. These charges constitute a lien upon the land and failure to pay them will result not only in termination of sanitary sewer service to the building, but actual disconnection of the building from the sanitary facilities.

In the case of multiple occupancy residential buildings with a single water meter, the District, upon ascertainment of the number and/or size of occupancy units therein, shall send the billing for such building to the person or entity being billed for the water service with the following legend on the reverse side thereof:

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes to defray the cost of operation, maintenance and replacement of the Works of the System for the multi-family premises commonly known as (insert address). The charges are assessed to each individual user, but billed to the person or entity being billed for water service, for convenience purposes.

If this billing is not paid within thirty (30) days billings shall be sent to each individual occupant bearing the following legend on the reverse side thereof:

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes to defray the cost of operation, maintenance and replacement of the Works of the System for your occupancy unit of the premises commonly known as (insert address). The charges set forth hereon represent your share of charges previously billed to the person or entity being billed for water service to the building which you occupy and/or own. Such charges remain unpaid. In the event that the user fails to pay these charges it is the duty of the owner to pay them. These charges constitute a lien upon the land and failure to pay them will result in termination of sanitary sewer service not only to the user but to the occupancy unit.

Where there is no public water system for multiple occupancy residential buildings the District shall ascertain the name of

each occupant and the name of the owner of the building and/or of each occupancy unit, and the bills shall be sent to the occupant and the owner, with the following legend on the reverse side thereof:

> This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied by (insert name) and owned by (insert name). The charges are against the user, being the person or entity having control and custody of the premises from which the waste inflow/district emanates. However, in the event that the user fails to pay these charges it shall be the duty of the owner to pay them. These charges constitute a lien upon the land and failure to pay them will result in termination of sanitary sewer service not only to the user, but to the occupancy unit.

22-1.22 Segregation of Industrial Cost Recovery Funds

The portion of the industrial cost recovery funds which represents the portion of each user's contribution to the retirement of the Federal grant share cost of the Works of the System shall be set aside in separate bank accounts by the District when collected. Fifty percent (50%) thereof shall be returned to the U. S. Treasury on an annual basis. Forty percent (40%) thereof shall be used for the expansion or reconstruction of the treatment works to meet the requirements of the Act, subject to the prior written approval of the Regional Administrator of the Act. The balance thereof shall be paid to the general fund of the District for use by the District for any purpose deemed necessary by the Board of Trustees.

22-1.23 Termination Procedure

It is hereby declared to be a policy of the Board of Trustees of the District that in the event that any person or other legal entity whose residence or other building is connected to sewers which are tributary to the HINSDALE SANITARY DISTRICT system fails to pay the Federal User Charges as assessed under this Ordinance of the District, the building shall, upon due process, be disconnected.

22-1.24 Non-Payment Procedure (See Chapter 28)

22-1.25 Notice of Termination (See Chapter 28)

22-1.26 Alternative-Lien (See Chapter 28)

22-1.27 Reinstatement of Service (See Chapter 28)

22-1.28 Requirement of Installation of Water Meters and Composite Samplers

A. Water Meters - All non-industrial users, other than single family residences, not having a water meter in their source of water supply shall be required, within ninety (90) days after notification by the District, to install, at their own expense, a water meter, approved by the Executive Director, between the well or other source of supply and the plumbing system of such building. All such meters shall be equipped with a remote reading device affixed to the outside of the building in a convenient location.

B. Flow Meter and Composite Sampler - All industrial users not having a flow meter and composite sampler, as defined herein, in a manhole in their building service line shall be required within ninety (90) days after the passage of this Ordinance to install a flow meter and composite sampler in a manhole between the building service line and the public sewer to which the said building is connected. If no such manhole exists such user shall install one in the building service line.

22-1.29 Inspections on Private Property and Right to Enter upon the Premises to Read the Water Meter

From and after the passage of this Ordinance authorized employees of the District shall have free access during all reasonable hours to all parts of any building or premises which is served by sewers which are tributary to the District system in order to examine water meters, flow meters and the pipes and fixtures to ascertain whether unauthorized waters or other wastes are entering into the system and to ascertain volumes of permitted wastes which are entering into the system.

District personnel shall be considered authorized under this Ordinance if they have been bonded and insured and have been issued District badges which contain their photograph and other identification information.

District personnel making inspections shall be bound by the Standard Rules of Procedure adopted by the District for meter readings. In the event of a refusal to permit District personnel upon private property, the authorized person shall seek the assistance of the local

police department or the sheriff's office of the county concerned, and shall make the inspection acompanied by such officer, and if such access is continued to be refused for such purposes, including the reading of the meter, the District may terminate use by the user without further notice.

22-1.30 Budget Amendments

The Board of Trustees shall be empowered at any time within their discretion, as it is deemed necessary, to amend the budget and increase the individual charges to provide additional revenue to defer costs not known or anticipated at the time of preparation of the annual budget, except, however, if at such time as the Board has determined that funds allocated in the original annual budget will not be expended for items originally intended, either in full or in part, the unexpended funds may be allocated to the new or increased cost to the extent possible before increasing the charges theretofor established. Budget amendments increasing the total current annual budget shall be reflected in the subsequent quarterly billings for the budget year.

22-1.31 Retirement of Revenue Bonds

Service charge revenues of the District have been pledged for revenue bond funding and the District shall proceed in like manner to assess and collect such revenues for application in accordance with the Revenue Bond Ordinance #342 enacted by the District on February 22, 1973 and reinacted herein as Chapter 21 for all revenues defined therein. Notwithstanding the similar language in this Ordinance and the

Revenue Bond Ordinance of the District, there shall be and there hereby is deemed to be no duplication in such charges, as the provisions of this Ordinance are a substitute for collection of general real estate tax revenues which are specifically excluded by Illinois law from being applied to revenue bond debt servicing. The Board of Trustees may elect for billing purposes to submit a combined billing for the charges established under this Ordinance and the charges established under said Revenue Bond Ordinance. The Board of Trustees may further elect to maintain either a separated or combined accounting system accounting for such funds. Neither of such actions shall be deemed to alter in any way the character of the funds obtained and all such funds so obtained shall retain the character that they would have retained had such combined billing and/or accounting not been initiated.

22-1.32 Enforcement and Penalties (See Chapter 29)

22-1.33 Repealer

No repealer is contained herein as the procedures authorized herein are intended to supplement existing procedures for collecting funds to defer the cost of the operation, maintenance and replacement of the Works of the System.

The funds which are provided to be collected hereunder are collected in lieu of the funds formerly provided by general tax revenues for operation and maintenance.

General tax revenues are to be continued to be levied for debt service on general obligation bond issues and for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance and replacement of the Works of the System.

Revenue bond revenues are to be continued to be collected in the manner provided in the respective Revenue Bond Ordinance.

Connection charges are to be continued to be collected in the manner provided for in the ordinances of the District.

CHAPTER 23

SEWAGE DISPOSAL-PUBLIC-SEWERS
SERVICE OF UNANNEXED TERRITORY-COMPOSITE
CONNECTION CHARGES AND PERIODIC CHARGES

23-1.01 Policy

23-1.02 Minimal Service of Certain Unincorporated Lands

23-1.03 Assessment of Fair Share of General Taxes, Cost of Operation and Connection

23-1.04 Composite Connection Charge

23-1.05 User Charge

23-1.06 Sewerage Charge

23-1.07 In Lieu of Ad Valorem Real Estate Tax Charge

23-1.08 Remedies for Non Payment of Delinquent Periodic Charges

23-1.09 Termination by Annexation

23-1.10 Special Circumstances

23-1.01 Policy

It is hereby the policy of the District to annex all lands within the prescribed region determined by the Northeastern Illinois Plan Commission to be served by the District except where such lands either are not capable under the law of being annexed, or where Northeastern Illinois Plan Commission has required the District to agree not to annex

and serve such lands due to their categorization by the Northeastern Illinois Plan Commission as open lands.

23-1.02 Minimal Service of Certain Unincorporated Lands

Certain minimal services are required even to maintain open lands.

23-1.03 Assessment of Fair Share of General Taxes, Cost of Operation and Connection

Such lands shall contribute to the District an amount equivalent to general tax revenue, periodic charge revenue and other charges of the District which the District would receive, were those lands annexed to the District.

23-1.04 Composite Connection Charge

From and after the effective date of this Ordinance, the following charges shall be assessed for connection to the HINSDALE SANITARY DISTRICT system by parcels not within the corporate territory of the District, whether directly or indirectly by connection to a system which is tributary to the HINSDALE SANITARY DISTRICT as follows:

a) The charges assessed under the COMPOSITE CONNECTION CHARGE ordinances of the District shall be applicable to all users who are not within the incorporated territory of the District.

b) Where any sewer line to which the unincorporated parcel will connect either directly or indirectly was installed by special assessment, a lateral sewer charge shall be assessed in the full amount of the combination of the average frontage and area assessments as established by the Board of Trustees by resolution. Such resolution shall authorize connection and establish the rates aforesaid.

23-1.05 User Charge

From and after the effective date of this Ordinance the following user charges shall be assessed for users connected to the District system, though not within the corporate territory of the District, whether directly or indirectly by connection to a system that is tributary to the District as follows:

The user charges as set forth in the current user charge ordinance of the District shall be applicable to all such parcels.

23-1.06 Sewerage Charge

The following sewerage charge shall be assessed for users connected to the District system, though not within the corporate territory of the District, whether directly or indirectly by connection to a system which is tributary to the District as follows:

The sewerage service charges as set forth in the current service charge ordinance of the District shall apply according to the classification set forth therein.

23-1.07 In Lieu of Ad Valorem Real Estate Tax Charge

The following In Lieu of Ad Valorem Real Estate Tax Charge shall be assessed for connection to the District system, whether directly or indirectly by connection of a system which is tributary to the District as follows:

Such charge for a single family residence shall be fifty dollars ($50.00) per calendar year, or fraction thereof, with the first year's charges being due and payable upon application for service.

Such charge for other than single family residences shall be calculated on an equivalent single family unit basis (as defined in the District Ordinances) and shall be fifty dollars ($50.00) per equivalent family unit, per calendar year, or fraction thereof, with the first year's charges being due and payable upon application for service.

All such charges, subsequent to the first year's charges, shall be due and payable June 1st in such subsequent year, and if not paid by June 15th, shall bear penalty interest at the rate of one and one-half per cent (1-1/2%) per month until paid.

In cases of inordinate disparity between the regular charge aforesaid, and that sum of money which the District would receive in tax receipts if the property were annexed to the District, the Board of Trustees may, by resolution, in individual cases, adjust the charge upon ascertainment of the assessed valuation as equalized, of the parcel and submit to the assessee a revised billing based upon the assessed valuation, shown on the most recent tax bill.

Tax Payers Alternate Payment Plan: The owner of all lands other than single family residences may annually deliver to the District Treasurer a photocopy of the current real estate tax bills for such property so that the District may ascertain the assessed valuation of such parcel and the District shall multiply the assessed valuations as equalized by the current District tax rate. The product shall equal the in lieu of ad valorem tax charge due on said parcel for the current year assessed to the taxpayer.

For subsequent tax years, the taxpayer may do likewise.

For all parcels already served by the District, the aforesaid annual charges shall become applicable effective ten (10) days after passage and publication of this Ordinance, and the first year's annual charge shall be prorated on a 365-day basis.

23-1.08 Remedies for Non-Payment of Delinquent Periodic Charges

For non-payment of any of the monthly, quarterly, or annual charges assessed hereunder, the District shall have the right to elect to place a lien upon the property or to follow the disconnection procedures set forth in this Ordinance for delinquent periodic charges.

23-1.09 Termination by Annexation

Upon annexation of any lands falling under the provisions of this Ordinance, these provisions shall cease to be applicable except that all unpaid amounts due hereunder, whether billed or accrued, shall remain due and payable.

23-1.10 Special Circumstances

The trustees shall have the right to vary the applicability of the provisions of this Ordinance for individual parcels by resolution where a unique situation exists, and it is the Trustees' determination that such circumstance justifies a deviation. In all such cases a separate contract shall be negotiated and executed to accomplish the result desired by the Board of Trustees.

CHAPTER 24

RESERVED FOR WATER

CHAPTER 25

EMINENT DOMAIN DISTRICT NEGOTIATORS

25-1.01
25-1.02

25-1.01 That pursuant to the provisions of Chapter 42, Section 307, et. seq. of the Statutes of the State of Illinois, it is hereby deemed necessary that the Hinsdale Sanitary District acquire by purchase, condemnation or otherwise right-of-way grants, privileges, and easements reasonably necessary for the construction, operation and maintenance of a sewer system along and upon lands within and without the corporate limits for its corporate purposes.

25-1.02 That the Director of the District and the District's Attorney be and they are hereby authorized and directed to negotiate with the owners of the properties for the purchase of such right-of-way grants, privileges and easements, and upon failure to arrive at an agreement with the owners upon terms under which it shall be permitted to use such right-of-way grants, privileges or easements, to institute condemnation proceedings pursuant to the Eminent Domain Act of the

State of Illinois for the purpose of acquiring said right-of-way grants, privileges and easements in the manner provided by law.

CHAPTER 26

SALE OF SURPLUS LANDS

26-1.01	Explanation of 1917 Act
26-1.02	Statute
26-1.03	City and Village Law-Comparison and Adoption
26-1.04	Additional Procedures
26-1.05	Removal From Market
26-1.06	Reoffering For Sale After Removal From the Market

26-1.01 Explanation of 1917 Act

The 1917 Act under which the HINSDALE SANITARY DISTRICT was formed is a "skeleton act", which does not contain within it all of the minute detail of the operation of a special district;

26-1.02 Statute

The provisions of the statute relating to the disposition of personal property and real estate, are found in Section 307, and are as follows:

> The Sanitary District may sell, convey, vacate, and release the real or personal property right-of-way and privileges acquired by it, when no longer required for the purposes of the District.

and no reference is made therein, to a manner of proceeding for the disposition of such property.

26-1.03 City and Village Law-Comparison and Adoption

The closest similarity in function to a special District such as the HINSDALE SANITARY DISTRICT is found in the City and Villages Act which is a very thorough, detailed statute, with respect to all functions, including the sale of real property, and the District hereby adopts said procedures to the extent that they apply. Section 11-76-1 provides for the disposition of surplus property, and Section 11-76-2 specifies the manner in which the property should be disposed of.

26-1.04 Additional Procedures

If no bid has been received through said procedure, the following procedures shall be followed:

a. The Trustees shall obtain two appraisals of the real estate.

b. That said parcel shall be placed on the market for sale for 90 days at a price not less than the highest appraisal price. In the event that a bid is received by the District through a broker in an amount exceeding the highest appraisal price, the District shall accept such offer. In the event that no bid is received at a price in excess of the price of the highest appraisal, but one is received above the average appraisal value within thirty (30) days, the Trustees shall consider the

best offer made to purchase the property at a regular meeting of the Board of Trustees, and shall require the Appraisers of the property to advise the Board, as to whether the purchase price is a fair and proper purchase price considering the circumstances. If the Trustees believe after having heard testimony of the Appraisers that the price is a fair and proper price, they shall enact a Resolution accepting the offer and authorizing the President and Clerk to sign the Contract for Sale. Upon the satisfaction of all of the contingencies in the Contract for financing, the transaction shall be consummated and a Deed of Conveyence issued over the signatures of the President and Clerk stating therein the consideration therefore with the seal of the District affixed thereto. The District shall pay a sales commission to the broker or combination of brokers who procured the purchaser and brought about the final sale.

26-1.05 Removal From Market

If an offer is not received which is in excess of the average appraisal, the parcel shall be removed from the market until further determination of the Trustees.

26-1.06 Reoffering For Sale After Removal From the Market

The District, when making any reoffering for sale, shall follow all of the usual bidding procedures specified in the Cities and Villages Act and only in default of results, the additional procedures set forth above.

CHAPTER 27

POLICE POWER

27-1.01 Policy

27-1.02 Director Authority

27-1.03 Director-Local Officers

27-1.04 Interference-Violation

27-1.05 Badge

27-1.06 Director Removal of Authority

27-1.01 Policy

Pursuant to the powers granted to the District in Section 317 of the Sanitary Act of 1917, Chapter 42, of Illinois Revised Statutes of 1979, the District through its Executive Director and employees, shall have police power over the territory within the District and within fifteen (15) miles from the intake of any water supply in any such waters for the purpose of preventing the polution of the waters.

27-1.02 Director Authority

In addition to the powers already conferred by ordinance upon the Director of the HINSDALE SANITARY DISTRICT, the Director is hereby authorized and empowered to exercise police powers over the territory within such District for the purpose of preventing any interference with any of the property of said Sanitary District, and for the further purpose of enabling said Director to properly exercise the duties of his

office, and enforce the provisions of the ordinances of said District now or hereafter in force.

27-1.03 Director-Local Officers

The Director, when acting as a police officer within the limits of any city, town or village within said District, shall act in aid of the regular police force thereof, and shall then be subject to the direction of its chief of police, city or village, marshall or other head thereof; provided that in so doing said Director shall not be prevented or hindered from executing the orders and authority of said Board of Trustees of said Sanitary District.

27-1.04 Interference-Violation

Any person who shall in said District resist said Director in the exercise of the powers hereby conferred upon him, or who shall in any manner interfere with, hinder or prevent him from discharging his duty as such Director or who shall offer or attempt to do so, shall be subject to penalty as set forth herein.

27-1.05 Badge

The Director of said District shall wear a suitable badge to be furnished by said District, which badge shall be surrendered to the President of the District by said Director upon the termination of his term of office by lapse of time or otherwise or upon such Director being deprived of the powers hereby conferred upon him as hereinafter provided.

27-1.06 Director Removal of Authority

The Director may be deprived of the police powers hereby conferred upon him for good cause by said Board of Trustees or the President thereof at their or his discretion.

CHAPTER 28

ORDINANCE-VIOLATIONS-DISCONNECTIONS-ALTERNATIVE-LIEN

28-1.01	Policy
28-1.02	Disconnection Procedure - Notices-Declaration of "Unfit for Human Occupancy"
28-1.03	Prohibition of Occupancy after Disconnection
28-1.04	Manner of Severance
28-1.05	Reinstatement of Service- Non-Payment of Periodic Charges
28-1.06	Reinstatement of Service- Illegal Connection or Non-Payment of Composite Connection Charges
28-1.07	Alternative-Lien

28-1.01 Policy

It is hereby declared to be a policy of the Board of Trustees of the HINSDALE SANITARY DISTRICT that in the event that any person whose residence or other building is connected to sewers which are tributary to the HINSDALE SANITARY DISTRICT Works of the System who fails to pay any periodic charges as assessed under the ordinances of the District, the COMPOSITE CONNECTION CHARGE or who connects to the system in violation of the provisions of the Ordinances, Resolutions, Rules and Regulations of the District or who after legally

and properly connected alters the connection or the circumstances so that there is a violation of the provisions of this Ordinance shall, upon due process, have the residence or other building disconnected from the system.

28-1.02 Disconnection Procedure-Notices-
Declaration of "Unfit for Human Occupancy"

The following shall constitute the procedure to be utilized by the District in terminating service of such user by disconnection:

a) Non-Payment of Periodic Charges

In the event that the payment of a periodic charge after having been billed in accordance with the applicable ordinances remains unpaid sixty (60) days thereafter, the following Notice shall be forwarded by registered mail, return receipt requested, to the occupants at the address of the building being served by the District and a copy of it shall be thumbtacked or taped to the front or a rear door of the building, an additional copy shall be mailed by registered mail to the person shown on the District's records as having paid the last bill which was paid:

NOTICE OF DELINQUENCY

You are hereby notified that the (name periodic charge) billed to you (here insert name of billee) under date of (insert date) under the Ordinances of the HINSDALE SANITARY DISTRICT for the building located at (insert address) have not been paid and remain delinquent. In the event that the periodic charges (insert particular periodic charge) are not paid within thirty (30) days from the

posting of this Notice and unless a temporary excuse has been issued excusing you therefrom in writing by the Director of the District the building will be disconnected from the public sewer system and it will be red-tagged as "unfit for human occupancy" on the thirty-fifth (35th) day after date of this notice.

Dated_____

HINSDALE SANITARY DISTRICT

By_____
Director

b) Non-Payment of COMPOSITE CONNECTION CHARGES, Illegal connection or other violations

In the event that the disconnection is for failure to pay the COMPOSITE CONNECTION CHARGE or for illegal connection or for violation of any other provision of this Ordinance or any other ordinance of the District relating to connection, which is discovered to be in violation of any ordinance relating to connection, the following notice shall be forwarded by registered mail, return receipt requested to the occupant of the building at the address of the building being served by the District and a copy of it shall be thumbtacked or taped to the front or a rear door of the building:

NOTICE OF ILLEGAL CONNECTION
WARNING OF DISCONNECTION

You are hereby notified that this building is illegally connected to a sewer system tributary to the Works of the System of the HINSDALE SANITARY DISTRICT due to the following (here insert one or more of the following) (Non payment of Composite Connection Charges) (Deferred Payment Lien Agreement Payment) (Connection without a Permit) (Connection without inspection) (Ordinance #___insert particulars)

In the event that you do not meet the District's requirements within thirty (30) days from posting of this notice, unless you have been

temporarily excused therefrom by the Director of the District in writing, the building will be disconnected from the public sewer system and it will be red-tagged as "unfit for human occupancy" the thirty-fifth (35th) day after the date of this notice.

Dated_____

HINSDALE SANITARY DISTRICT

By_____
Director

28-1.03 Prohibition of Occupancy After Disconnection

The Board of Trustees hereby declares that it is against public policy for a building to be occupied by human inhabitants which has been red-tagged by the HINSDALE SANITARY DISTRICT after appropriate Notice has been given that the building is "unfit for human occupancy".

a) In the event that the Director has not temporarily excused the deficiencies and the charge remains unpaid on the thirtieth (30th) day after the posting of the aforesaid notice or the violation of the District ordinance has not been corrected, the following notice shall be mailed by registered mail, return receipt requested, to the same persons as the original Notice and the occupants of the building and also thumbtacked or taped to the front or rear door of the building:

NOTICE OF TERMINATION

You are hereby notified that there has been no response to the Notice of Delinquency issued by the District and the thirty (30) day period therein stated has elapsed. You are hereby notified that on (here insert date fifteen (15) days after service of this notice) The District will physically disconnect the sewer to which it is connected and will red-tag the building located at (here insert address) as "unfit for human occupancy".

Dated_____

HINSDALE SANITARY DISTRICT

By_____
Director

28-1.04 Manner of Severance

A. In the event that the building to be disconnected from the system of the District is a direct connection to a manhole, the District shall insert into the discharge line from said building a plug with a hole therein not in excess of one-half inch (1/2") in diameter, which hole will permit, if required, during the period that the system is disconnected, sufficient flow of clear water, not human waste, to enable the occupants, if required, to drain plumbing fixtures located in the building so as to prevent freezing in the event of interruption of electrical and gas services.

B. In the event that the building service line is not directly connected to a manhole, the District, through its agents, shall dig a hole upon public ground and shall remove a section of the building serviceline, and shall replace in its place a pipe which has fixed in it a plug with a hole therein not in excess of one-half inch (1/2") in diameter, which hole will permit, if required during the period that the system is disconnected, sufficient flow of clear water, not human waste, to enable the occupants, if required to drain plumbing fixtures located in the building so as to prevent freezing in the event of interruption of electrical and gas services.

C. Upon completion of the plugging of the building service line, the District shall forward to the owner and occupant of the building, by registered mail, return receipt requested, a bill for the costs of making the severance, including the plumber's cost for materials and labor and a One Hundred Dollar ($100.00) severance charge to be paid to the District for supervision. Only one such charge may be collected for each severance.

D. Where the occupancy unit is within a building containing two or more occupancy units and does not have an individual building service line serving only the occupancy unit and there is an individual water service line to such occupancy unit, the District shall notify the Village or agency providing the water service that such water service shall be terminated until payment of the charges set forth under this Ordinance, and cessation of such water service shall be considered the same as disconnection of the building service line.

E. In the event that such user does not have a separate water meter the District shall have the right to enter upon the premises and plug each drain in a manner suitable to terminate service. If entry is refused to the premises for such purpose, the District shall proceed to take the matter before the Circuit Court in the county where the property is located and shall seek a mandatory injunction for entry into the premises and plugging of such lines for termination of service. In such case all of the costs of such proceeding shall be added to the termination costs heretofore and hereafter set forth, including reasonable attorneys fees as established by the Court.

F. The District shall have the right, under the provisions of this Ordinance, to order termination of water service to any occupancy unit the sewer system of which is tributary to the District Works of the System which would otherwise be subject to disconnection under the procedures set forth herein. Due process shall have been complied with if a copy of the Termination Notice is mailed to the village or other agency providing the water service to the occupancy unit requesting termination of service fifteen (15) days after the date of the Termination Notice, with a copy thereof mailed to the occupant of the occupancy unit and the owner of the occupancy unit.

28-1.05 Reinstatement of Service-
Non-Payment of Periodic Charges

In the event of severance of service for non-payment of periodic charges, the service may be reinstated in the following manner.

Upon payment to the District of the full delinquency plus the cost of the District of severance and a One Hundred Dollar ($100.00) severance charge, and the usual inspection charge for the type of connection and upon deposit with the District of an amount equal to the estimated periodic charge for one year, the District will issue a permit for the removal of the plug from the system and upon issuance of such permit the plug may be removed by a licensed plumber or drain layer at the sole expense of the user.

If the billee shall continue to pay the periodic charges assessed by the District thereafter as billed, after three (3) years of prompt payment

of such user charges with no delinquency in excess of thirty (30) days, the deposit shall be refunded to the person having made such deposit, without interest thereon.

Upon payment of the fees and removal of the plug and reinstatement of service the District, through its agents, shall remove the red-tag from the building and the building shall, so far as the District is concerned, be fit for human occupancy. The owner shall pay the plumber's fees for reconnection and the inspection charge for the District.

28-1.06 Reinstatement of Service-Illegal Connection or Non-Payment of Composite Connection Charges

In the event of severance for an illegal connection or failure to pay the COMPOSITE CONNECTION CHARGE service may only be reinstated in the following manner:

The connection may only be made after approval of plans, where applicable, application for connection permit, payment of COMPOSITE CONNECTION CHARGE applicable, and payment to the District of the actual cost of severance plus a One Hundred ($100.00) Dollar severance charge.

28-1.07 Alternative-Lien

In the event that a delinquency occurs in the payment of the Federal User Charge in lieu of ad valorem taxes, the District may elect

to file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of one and one-half percent (1 1/2%) per month from date of original billing. The election to file said lien shall not constitute a waiver of the right to sever service as is set forth herein, but shall merely be an alternative method of protecting the financial interest of the District. In the event, after the lien has been filed, the Board of Directors desires, it may authorize the Executive Director of the District to proceed with the termination of service as set forth herein.

The lien procedures shall be as follows:

1. If the bill to the user remains unpaid for in excess of thirty (30) days after billing, the District shall ascertain if the user and owner of the premises are one and the same. If they are not, the owner shall be sent a duplicate of the billing previously sent to the user having the following legend:

> "This billing has been previously rendered to _____ occupant of the property at _____, Illinois which our records indicate that you own. Section 21 of the Federal User Charge ordinance In Lieu of Ad Valorem Taxes of the District authorizes the placement of a lien upon your land for delinquent charges. You are hereby notified that a lien in the amount of $_____ will be filed in the Recorder's Office if such charges are not paid within thirty (30) days. The District reserves the right to terminate service by severance of connections at a subsequent date under the provisions of this Ordinance."

2. If after the above notice has been mailed to the owner and 30 days have elapsed and the charges are not paid, such charges shall be deemed and hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for such user

charges, and the Clerk is hereby authorized and directed to file sworn statements showing such delinquencies, in either the office of the Recorder of Deeds of Cook or Du Page County, Illinois, or in the office of the Registrar of Titles of Cook County, Illinois and the filing of such statements in the appropriate office shall be deemed notice to all persons of such lien.

3. The failure of the District to record such lien claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned herein.

CHAPTER 29

ORDINANCE-VIOLATIONS-PENALTIES

29-1.01	Prosecution
29-1.02	Violation-Person
29-1.03	Violation-Sewer Constructor, Plumber, Sewer Builder, Drain Layer
29-1.04	Violation-Illegal Discharge
29-1.05	Violation-Stop Order
29-1.06	Violation-Occupancy Without Occupancy Permit
29-1.07	Violation-Sign Removal-Defacement

29-1.01 Prosecution

Any person who is apprehended in the violation of the provisions of this Ordinance or any other ordinance of the District shall be taken before the Circuit Court in the County in which the violation occurs and shall be prosecuted in the corporate name of the HINSDALE SANITARY DISTRICT as plaintiff in compliance with the Illinois Revised Statutes, 1979, Chapter 42, Section 305.1, as is in such cases made and provided.

29-1.02 Violation-Person

Any person found to be violating any of the provisions hereof, except Chapter 22 Section 1.13 (B) or (C), and who fails, neglects or refuses to comply with the provisions hereof shall be prosecuted in an

action for a misdemeanor instituted on the complaint of the Trustees or the Executive Director of the HINSDALE SANITARY DISTRICT in the Circuit Court of the County within the District where such an offense occurs and, upon conviction, shall be fined not less than Twenty-Five ($25.00) Dollars nor more than Two Hundred ($200.00) Dollars per day of violation and costs.

Violation of Chapter 22 Section 1.13 (B) shall carry the following penalty: if the user is found to have violated the permissible chemical discharge levels, the Court shall assess a penalty in an amount of from Fifty ($50.00) Dollars to Five Hundred ($500.00) Dollars plus ten (10) times the normal charge for treatment of the chemical pollutants discharged by the user.

Violation of Chapter 22 Section 1.13 (C) shall carry the following penalty: if the user is found to have violated the permissible chemical discharge levels, the Court shall assess a penalty in an amount of from Five Hundred ($500.00) Dollars to Ten Thousand ($10,000.00) Dollars plus one hundred (100) times the normal charge for treatment of the chemical pollutants discharged by the user.

Each day in which any violation shall continue shall be deemed a separate offense.

The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release or waiver by the District to the prosecution by the District for any civil damages that it may sustain because of any violation by any person of the provisions

hereof where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, sewers and buildings under the jurisdiction of the District.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Ordinance the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; except where the fine is related to actual costs incurred by the District, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever in this Ordinance a minimum but no maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty but not exceeding Five Hundred Dollars ($500.00).

Whenever in this Ordinance the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Ordinance, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than Five Dollars ($5.00) nor more than Five Hundred Dollars ($500.00) for such offense.

29-1.03 Violation-Sewer Constructor, Plumber, Sewer Builder, Drain Layer

Any sewer constructor or plumber licensed by the State of Illinois, or any sewer builder or drain layer who has obtained a permit under this Ordinance and who fails to abide by the terms of this Ordinance, shall be subject, at the election of the HINSDALE SANITARY DISTRICT to have his certification of approval revoked. Upon revocation of such certificate, said sewer constructor, plumber or sewer builder or drain layer shall be required to re-apply to the District for a certificate of approval, or be further prevented from performing any construction, maintenance, or other work on facilities of the District.

29-1.04 Violation-Illegal Discharge

Any person found to be discharging substances prohibited to be discharged under this or any other ordinances of the District shall in addition to the penalties set forth herein shall be fined three (3) times the cost of removal of the prohibited discharges from the District system and cost of repair, if any.

29-1.05 Violation-Stop Order

Any person, firm or corporation who shall continue work in violation of a Stop Order shall upon conviction be fined not less than One Hundred ($100.00) Dollars nor more than Five Hundred ($500.00) Dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation of a Stop Order occurs or continues.

29-1.06 Violation-Occupany Without Occupancy Permit

Any person, firm or corporation who shall occupy any building within the District prior to the issuance of an occupany permit by the District, shall upon conviction be fined not less than One Hundred ($100.00) Dollars nor more than Five Hundred ($500.00) Dollars for each offense, and a separate offense shall be deemed committed on each day during or on which the premises are occupied in violation of this Ordinance. In addition to said penalty, the violator shall be charged with the costs of verification of removal from the premises and termination of occupancy. Such charge shall be the equivalent of an inspection charge.

29-1.07 Violation-Sign Removal-Defacement

Any person found to have removed or defaced any sign required to be in place under this Ordinance shall upon conviction be fined for the first offense Two Hundred ($200.00) Dollars and for each subsequent offense the fine shall be double the previous fine and for each offense the fine shall also include the cost of restoration of the removed or defaced sign.

CHAPTER 30

FINANCES

30-1.01 Appropriations

30-1.02 Tax Levy

30-1.03 Indebtedness

30-1.04 Audit

30-1.01 Appropriations

During the first quarter of each fiscal year, as required by statute, the President and Board of Trustees shall enact an appropriation ordinance in which shall be itemized all anticipated expenditures to be met during the coming year, other than those payable from bond issues.

This ordinance shall be published as required by law after its enactment.

30-1.02 Tax levy

Not sooner than ten days after the publication of the appropriation ordinance a tax levy ordinance shall be enacted as required by law, levying such taxes as may be needed to meet the anticipated expenses of the coming year, together with such taxes as may be required to meet outstanding bond issues, or for purposes payable from special taxes properly authorized.

A certified copy of the tax levy ordinance shall be filed with the County Clerk in Du Page County not later than the second Tuesday in September. Such ordinance shall show the total appropriated for each item, and the amount of tax levied therefor.

30-1.03 Indebtedness

No indebtedness shall be incurred, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. Provided that during the first quarter of any fiscal year, before the enactment of the current appropriation ordinance, the District may operate under the appropriation ordinance of the preceding year.

30-1.04 Audit

As soon as practicable at the close of each fiscal year, and no later than six months thereafter, there shall be an audit of all accounts of the District made by a competent person authorized to act as an auditor under the laws of Illinois, to be designated by the Board. Copies of such audit report shall be filed with the District Clerk and in such other places as may be required by law.

CHAPTER 31

AMENDMENTS

31-1.01 Reference to Code

31-1.02 Penalties

31-1.03 Recording Amendments

31-1.01 Reference to Code

Any addition or amendments to this Code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same a part of this Ordinance shall be deemed to be incorporated in this Ordinance so that a reference to the "Code of Laws of the HINSDALE SANITARY DISTRICT of 1980" shall be understood to include them.

31-1.02 Penalties

In case of amendment of any section of this Ordinance containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the amended section or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

31-1.03 Recording Amendments

It shall be the duty of the District Clerk to keep at least one copy of the Code which he shall mark in the following manner: Whenever any ordinance which amends or makes an addition to the Code is passed and approved, he shall note on the margin of the section or sections amended that such amendment has been made, with a reference to the place in the amendment book, hereinafter described where the amendment may be found, and in the case of an addition, he shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book where such addition may be found.

The District Clerk shall also keep a separate book containing every amendment or addition passed to this Code, with a reference on each copy of such amendment or addition as to the place in the record of ordinances where the original corresponding ordinance may be found.

The above mentioned records shall be kept in addition to the record of ordinances which the District Clerk is required to keep by statute.

CHAPTER 32

PRINTING

32-1.01 Authorization

32-1.02 Distribution of Copies

32-1.03 Presentation of Copies

32-1.01 Authorization

This Ordinance shall be printed and published in book form.

32-1.02 Distribution of Copies

All of the printed copies of this Code belonging to the District shall be deposited with the District Clerk. He shall deliver one copy thereof to the President and one to each member of the Board of Trustees and copies to such other persons as the President and Board of Trustees may direct.

32-1.03 Presentation of Copies

The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the District, as to them seem suitable.

CHAPTER 33

INTERPRETATION

33-1.01 Title

33-1.02 Construction of Words

33-1.03 Officers and Employees

33-1.04 Intent

33-1.01 Title

This Ordinance shall be known as the "Code of Laws of the HINSDALE SANITARY DISTRICT of 1980." Any reference to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter heading, its article heading, if any, and to the penalty clause relating thereto, as well as to the section itself, when reference is made to this Ordinance by title in any legal document or ordinance of the District.

33-1.02 Construction of Words

Whenever any word in any section of this Ordinance importing the plural number is used, in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in any section of this Ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as

well as males and bodies corporate shall be deemed to be included. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present tense shall include the future. The words "this Ordinance" whenever used in this code shall be held and taken to mean the entire code, including each and every section thereof. The word "District" whenever used in this Ordinance shall be held to mean the HINSDALE SANITARY DISTRICT. The words "written" and "in writing" may include printing. Provided that these rules of construction shall not be applied to any section of this Ordinance which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

33-1.03 Officers and Employees

Whenever reference is made in this Ordinance to a District officer or employee by title only, this shall be construed as though followed by the words "of the HINSDALE SANITARY DISTRICT" and shall be taken to mean the officer or employee of this District having the title mentioned or performing the duties indicated.

No provision of this Ordinance designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Ordinance for a failure to perform such duty, unless the intention of the President and Board of Trustees to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

33-1.04 Intent

All general provisions, terms, phrases, and expressions contained in this Ordinance shall be liberally construed in the order that the true intent of the President and Board of Trustees may be fully carried out.

CHAPTER 34

REPEALING CLAUSE

34-1.01 Repeal of General Ordinances

34-1.02 Pending Suits

34-1.01 Repeal of General Ordinances

All general ordinances of the District passed by the President and Board of Trustees prior to this Ordinance are hereby repealed, except such as are referred to herein as being in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances; appropriation ordinances, ordinances relating to boundaries and annexations and other ordinances, granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the District; ORDINANCE ESTABLISHING AN INDUSTRIAL COST RECOVERY SYSTEM AND A FEDERAL USER CHARGE IN LIEU OF AD VALOREM TAXES TO PAY FOR THE OPERATION, MAINTENANCE AND REPLACEMENT OF THE WORKS OF THE SYSTEM; ESTABLISHING A LIEN THEREFOR AND ESTABLISHING CLASSES OF USERS, PROCEDURES, BUDGET, BUDGET YEAR, RATES, MANNER OF COLLECTION THEREOF, PENALTIES FOR REFUSAL TO PAY, PROCEDURE FOR DISCONNECTION IN THE EVENT OF NON-PAYMENT;

ESTABLISHING OF ALLOWABLE CHEMICAL CONCENTRATIONS AND PENALTIES FOR EXCESS CONCENTRATIONS; commonly known as ORDINANCE 405, as amended, and all special ordinances.

34-1.02 Pending Suits

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forefeiture or punishment so incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatsoever to affect any such offense or act so committed or so done, or any penalty, forefeiture or punishment so incurred or any right accrued or claims arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform so far as practicable to the ordinance in force at the time of such proceedings. If any penalty, forefeiture or punishment be mitigated by any provision of a new ordinance, such provision may, by consent of the part affected, be applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provisions upon the same subject or any other ordinance.

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the District herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as

affecting the liability of any person, firm or corporation, or as waiving any right of the District under any section of provision of ordinances existing at the time of the passage of this Ordinance.

CHAPTER 35

SEVERABILITY

35-1.01 Severability

35-1.02 Publication

35-1.03 Pamphlet Form

35-1.01 Severability

This Ordinance is severable and the invalidity or unconstitutionality of any portion thereof shall not effect the remaining portions thereof.

35-1.02 Publication

This Ordinance shall be in full force and effect upon its adoption and publication as required by law.

35-1.03 Pamphlet Form

This Ordinance shall be published in pamphlet form.

CHAPTER 36

EFFECTIVE DATE

36-1.01 Time of Taking Effect

36-1.01 Time of Taking Effect

This Ordinance, the same being designated herein as the "Code of Laws of the HINSDALE SANITARY DISTRICT of 1980", shall take effect and be in force ten days from and after its passage and publication as provided by statute.

Passed by the President and Board of Trustees of the HINSDALE SANITARY DISTRICT, this 24th day of April, 1980.

Approved:

_____
President

Attest:

_____
Clerk