

**ORDINANCE NO. 241**

**AN ORDINANCE OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE NORTHFIELD WOODS SANITARY DISTRICT, COOK COUNTY, ILLINOIS AMENDING AND RESTATING ORDINANCE NUMBERS 9, 19 AND 219, WHICH ESTABLISHED CHARGES FOR THE USE AND SERVICE OF THE SEWERAGE SYSTEM OF THE NORTHFIELD WOODS SANITARY DISTRICT AND PROVIDED FOR THE COLLECTION THEREOF.**

**WHEREAS**, pursuant to statutory authority, the Northfield Woods Sanitary District ("District") adopted Ordinance No. 9 on June 27, 1957, establishing charges and rates for the use and service of its sewer system and providing for the collection thereof; and

**WHEREAS**, Ordinance No. 19 was adopted by the District on April 30, 1959, amending Ordinance No. 9, to assess fees for delinquent payment of charges incurred by property owners for the use and services of the sewer system; and

**WHEREAS**, Ordinance No. 219 was adopted by the District on July 7, 2009 amending Ordinance Numbers 9 and 19 by establishing a sewer user fee for nonresidential users, establishing an assessment of fees for delinquent payment of charges and establishing a procedure for a collection thereof; and

**WHEREAS**, the cost of inspecting, maintaining and repairing the District's sanitary sewerage system has risen steadily over the years; and

**WHEREAS**, the District has investigated other municipalities in the area providing similar services and the charges they impose; and

**WHEREAS**, the President and Board of Trustees, after considering the further development of the District since 2009, and the increase in costs to maintain and repair the sanitary sewer system and in order to protect the health, safety and welfare of the residents of the District, believe that it is the public interest of further amend and restate Ordinance Numbers 9,19 and 219; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Northfield Woods Sanitary District, Cook County, Illinois:

**Section 1:** The following rates and charges are hereby established upon each user of the sanitary sewer system of the District as follows:

- (a) Each residential dwelling user of the sewer system shall be assessed a sewer user fee as part of their real estate tax bill; and
- (b) There shall be and is hereby established quarterly rates and charges for the use of and the service supply of the sewer system of the District for each nonresidential user,

including municipal corporations, in the amount of \$1.39 per thousand (\$1.39/1000) gallons of water used. A minimum charge of forty dollars (\$40.00) per quarter shall be applied to all users whose water consumption does not exceed thirty thousand (30,000) gallons per quarter.

“Residential User” shall mean all individual dwelling units such as houses, mobile homes, condominiums or townhomes in which each unit receives and pays its own individual water bill.

“Non-residential User” shall include all users that are not Residential Users and defined above. Condominiums and townhomes which are not separately and individually metered and billed for water, all apartments and multi-family dwellings shall be considered “Non-Residential” users in this ordinance.

**Section 2:** The volume of flow used for computing the user charges shall be the metered water consumption read to the nearest increment of one thousand (1,000) gallons.

- (a) If the property discharging waste into the District’s sewers procure any part, or all, of its water from sources other than the public waterwork’s system, all or part of which is discharged into the sewer system, the property shall have installed or maintained, at the property owner or user’s expense, water meters of a type approved by the District for the purpose of determining the volume of water obtained from these other sources.
- (b) Devices for measuring the volume of waste discharged into the sewer system may be required by the District if these volumes cannot be determined from the metered water consumption records.
- (c) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the property owner or user. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the District.
- (d) The District, or its authorized agents, have the authority to inspect, read and verify the accuracy of said devices or meters at commercially reasonable times. Any maintenance or repairs required by the District shall be done at the expense of the property owner or user as quickly as reasonably practical. Any fees or costs incurred by the District in such inspection or reading of devices or meters shall be added to the next bill to be paid by the property owner or user.

**Section 3:** Charges for services to nonresidential users shall be payable quarterly and based on the prior quarter’s water usage. 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 District only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the District.

- (a) Bills for sewer service shall be sent out by the District during each quarter of each calendar year for the previous quarter's sewer usage payable within thirty (30) days of issuance. A penalty of ten percent (10%) shall be added to all bills not paid by the due date.
- (b) If the charges for such services are not paid when due after the issuance of the bill for such services, such services may be discontinued upon ten (10) day notice to the property owner with the opportunity for a hearing, without liability to the District, and shall not be reinstated until all claims are settled, including the reasonable attorney's fees and costs incurred by the District in the collection of the charges.
- (c) Whenever a bill for sewer service remains unpaid for ninety (90) days after it has been issued, the District may file with the Cook County Recorder of Deeds a statement of lien claim. This statement shall contain the common address, legal description, and permanent index number of the premises served, the amount of the unpaid bill, and a notice that the District claims a lien for this amount as well as for all charges subsequent to the period covered by the bill, including any and all costs incurred by the District in enforcing a collection of the bill including but not limited to, reasonable attorneys' fees, recording fees and court costs. If the user whose bill is unpaid and is not the owner of the premises and the District has notice of this, notice of the unpaid bill shall also be mailed to the owner of the premises if his address is known to the District.
- (d) The failure of the District to record such lien 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 described herein.
- (e) Property subject to a lien for unpaid charges, excluding municipal corporations, may be sold for non-payment of the same, and the proceeds of the sale shall be applied to the pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. The District's attorney is hereby authorized and directed to institute such proceedings in the name of the District in any court having jurisdiction over such matters against any property for which the bill has remained unpaid ninety (90) days after its issuance.

Section 4: The revised charges described in this Ordinance shall be effective ten (10) days after the passage and approval of this Ordinance and publication at least once in a daily or weekly newspaper published in the district. Bills will be issued in each quarter starting in the first quarter after this Ordinance's effective date and continuing each year thereafter, based on the prior quarter's water usage.

Section 5: All revenues and moneys derived from the operation of the sewerage system shall be deposited in an account of the District. The District shall administer such accounts in every respect in the manner provided by statute.

Section 6: The District shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and accurate entries shall be made of all transactions relative to the sewerage system.

Section 7: If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8: A copy of this Ordinance may be filed in the office of the Cook County Recorder of Deeds and such filing shall be deemed sufficient notice to all owners and users of real estate of their joint and several liability for service supplied to any property or user of the sewer service of the District.

Section 9: This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law. Passed and adopted by the Board of Trustees of the Northfield Woods Sanitary District of Cook County, Illinois on the 5<sup>th</sup> day of February 2019 by the following vote:

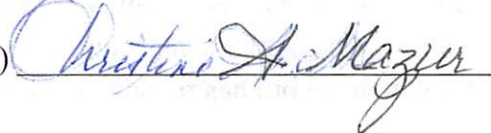
Ayes 3; namely

Nayes 0; namely

Absent 0; namely

(Signed)   
Alan Beutelspacher, President

ATTEST:

(Signed) 

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

**CERTIFICATE**

I, Christine Mazur, do hereby certify that I am the duly qualified and Acting Clerk of the Board of Trustees of the **NORTHFIELD WOODS SANITARY DISTRICT** in the State and County aforesaid, and as said Clerk, I am the keeper of the records and files of the Board of Trustees of said Sanitary District.

I do further certify that the foregoing is a full, true and complete copy of Ordinance No. 241, entitled “**AN ORDINANCE OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE NORTHFIELD WOODS SANITARY DISTRICT, COOK COUNTY, ILLINOIS AMENDING AND RESTATING ORDINANCE NUMBERS 9, 19 AND 219, WHICH ESTABLISHED CHARGES FOR THE USE AND SERVICE OF THE SEWERAGE SYSTEM OF THE NORTHFIELD WOODS SANITARY DISTRICT AND PROVIDED FOR THE COLLECTION THEREOF**” adopted at the regular meeting of the Board of Trustees of said Sanitary District held on the 5<sup>th</sup> day of February, 2019.

  
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Clerk