

TITLE VII: UTILITIES & PUBLIC WORKS - CONTINUEDCHAPTER 71: UTILITY REGULATIONS, RATES, & FEES*GENERAL PROVISIONS*71-1: CONTRACT FOR UTILITY SERVICES.

**(A) Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company, corporation or entity who is (1) an applicant for any lot, parcel of land or premises receiving utility services; (2) an occupant of such premises receiving utility services; or (3) the user of the utility services and every such applicant, occupant and/or user shall herein be referred to as the "customer". Each and every customer shall be held to have consented to be bound by all terms and conditions of this Chapter. The utility services referred to herein are the Water, Gas, Electric and/or Sewer System(s) of the City.

**(B) Not Liable for Interrupted Service.** The City will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted, or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the respective Utility Department shall not be liable therefor, except for sewer back-up damages to user caused by City's negligence. In such case, the City accepts liability for the damage to the extent the same is covered by and paid for by the City's liability insurance.

**(C) Using Services Without Paying.** Any person using Utility Services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or by-pass any meter shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Chapter 4 of the "Revised Code of Ordinances".

**(D) Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner limiting the use or availability of any meter or any property of the Utility Systems, or erecting signs on the property of the Utility Systems without permission shall, upon conviction of such act, be fined as provided in Chapter 4 of the "Revised Code of Ordinances".

**(E) Service Obtained by Fraud.** All contracts for Utility Services shall be made in the name of the person, firm, or corporation using the established spelling of that person's, firm's or corporation's name. Attempts to obtain service by the use of other names, different spellings, or by substituting other persons or firms will be considered a subterfuge and service will be denied. If service has been discontinued because of non-payment of bills or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

**(F) Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the next billing shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately thirty (30) days.

**(G) Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Utilities Systems during a month unless the customer notifies the City prior to the first (1st) day of the new billing month in which the Utility Services are to be discontinued. Once the customer provides the appropriate notice of discontinuance to the City mentioned previously in this subsection for any particular type of utility service, then the customer will not be liable for any minimum charges stated in this Chapter for that particular type of utility service.

**(H) Billing Procedure.**

**(1) Procedure and Late Charges.** All utility bills shall be rendered by the sixteenth (16th) day of each month at net through the last day of the month that billing was made. A penalty of five percent (5%) shall be added to all bills not paid by the last day of the month that billing was made unless good cause is shown by customer for late payment. (Receipt of Social Security on the third (3rd) day of the month by the customer shall be sufficient proof of a showing of “good cause”.) If any bill is still unpaid by the fifth (5th) day of the month following the month of billing, a notice of intended disconnection shall be mailed to the utility customer. After such notice is mailed, any customer whose utility bill is still unpaid after five (5) additional days shall be considered delinquent and utility service to such customer shall be disconnected.

If the customer is not the owner of the premises to be disconnected, then a “Notice of Disconnection” shall also be mailed to the owner.

**(2) Late Billing Dates.** Should the rendering of the monthly utility bills be delayed beyond the sixteenth (16th) day of a single month, the time of such delay shall be added to the normal time for the net payment of bills and before the time of the provisions for penalty and disconnection shall commence.

**(3) Reconnection Fee For Delinquent Customers.** If any utility bill remains unpaid after disconnection for a delinquent bill, the customer shall pay the utility charges and penalties plus a reconnection fee for each utility, as follows:

**(a)** Twenty-Five Dollars (\$25.00) per utility for the first reconnection in a calendar year.

**(b)** Fifty Dollars (\$50.00) per utility for each connection thereafter in the same calendar year.

**(c)** The above reconnection fees are for reconnections performed before 3 p.m. daily. An additional Seventy-Five Dollars (\$75.00) per utility shall be charged for all reconnections performed during other times.

**(4) Method of Payment.**

**(a) Payment in Full.** Each utility customer shall pay the customer’s monthly utility bill in full unless a customer elects and qualifies for Budget Billing.

**(b) Budget Billing.** Qualified customers may elect Budget Billing. A qualified customer is one who (i) applies for Budget Billing; (ii) has the account in the customer's name.

**(c) Budget Billing Procedure.** Any utility customer who chooses Budget Billing may apply between January 1 and March 15 or between June 1 and August 15 on forms furnished by City at City Hall.

**(d) Budget Billing Calculation.** Upon receipt of the Budget Billing application, City will determine if the customer qualifies for Budget Billing. If the customer qualifies, City shall compute customer's utility bill for the prior twelve (12) months at the applied for address and divide that amount by twelve (12) and round off to the nearest One Dollar (\$1.00). If a twelve (12) month history is not established for the applied for address, then customer shall wait until twelve (12) months of data is recorded at the applied for address. Such amount shall be customer's monthly utility bill commencing with the April 15<sup>th</sup> or October 15<sup>th</sup> utility statement in the year of application. City will notify customer in writing as to the amount customer is to pay monthly. The customer's monthly Budget Billing amount may be changed only after the audit as described in Section 71-1(H)(4)(e).

**(e) Audit of Account.** City shall audit customer's actual utility charges on April 1 and October 1. Customer's account shall be credited or debited if the actual utility charges for the period show a credit or deficiency to their account. The customer's monthly Budget Billing amount will only be increased or decreased if the credit or deficiency to their account equals their monthly Budget Billing amount.

**(i)** If customer is to receive a credit, customer's credit shall be applied to the next month(s) utility bill(s).

**(ii)** If the estimated Budget Billing was not sufficient to pay all of customer's actual utility charges, City shall notify customer of the amount of deficiency and customer shall have until April 30<sup>th</sup> or October 31<sup>st</sup> to pay the deficiency. If customer fails to timely pay the deficiency, customer shall be subject to penalties and disconnection as stated above in Section 71-1(H)(1) with the penalty being assessed on the first (1<sup>st</sup>) day of May or first (1<sup>st</sup>) day of November after the deficiency notice is sent by City to customer. The disconnection notice shall be sent five (5) days thereafter in the event the deficiency remains unpaid.

**(f) Arrearage.** If customer is in arrears in payment of customer's monthly Budget Billing, Budget Billing shall cease in the month of arrearage and customer shall pay customer's utility bill in full computed on customer's actual utility charges. Further, customer shall be assessed a deficiency, if any, on customer's next utility bill.

**(g) Termination of Usage.** If customer wishes to terminate receipt of utilities, customer's account shall be audited for the actual utility charges and customer shall be debited or credited accordingly. City shall pay the person(s) who signed the Budget Billing application if customer is to receive a credit. If customer's account is deficient, customer shall pay such deficiency within fifteen (15) days of the date of the deficiency notice.

**(h) Annual Renewal.** Unless otherwise notified by customer, Budget Billing will continue each year so long as customer has not been in arrears.

**(i) Lien Notice.** Whenever a bill for utility services remains unpaid for ninety (90) days after it has been rendered, the Collector shall file with the County Recorder of Deeds a statement of lien claim, provided the customer is the owner of the property which is connected to the utility services. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill. Notice of the lien shall be sent to the owner by the Collector.

The failure of the Collector 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 utility bills as mentioned herein.

**(j) Foreclosure of Lien.** Property subject to a lien for unpaid utility charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be billed in the name of the City.

The City Attorney is hereby authorized to institute foreclosure of lien proceedings in the name of the City, in any Court having jurisdiction over such matters.

In the event collection becomes necessary in order for the City to collect unpaid utility bills, the utility user shall not only be responsible for payment of his or her unpaid utility bills, but shall also be responsible for payment of any reasonable collection fees, to and including reasonable attorney fees and costs incurred by the City in its effort to collect the unpaid utility bills from the delinquent utility user.

**(k) Liability for Charges.** The applicant for any lot, parcel of land or premises receiving Utilities Services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the City only on the condition that such applicant, occupant and user shall be jointly and severally liable therefor to the City.

**(l) Inoperable Meter; Estimated Charges.** Whenever any utility meter, by reason of its being out of repair or from any cause, fails to properly register the utility consumption passing through the same, the consumer shall be charged an amount based upon previous billings amended to current conditions when such information is available. If no record of previous billings exists, then it shall be the duty of the City Collector to estimate the amount of utilities consumed during the time the meter fails to operate, and the consumer shall be charged the estimated amount.

**(M) Returned Checks.** There shall be an additional charge of Thirty-Five Dollars (\$35.00) per check returned to the City because of insufficient funds or cancellation of the check by the customer.

**71-2: NO FREE SERVICE; SPECIAL RATES.** No free utility services shall be furnished to any person, firm or corporation. All rates and charges shall be non-discriminatory: provided, however, the City Council reserves the right to impose special rates and charges in cases where particular circumstances render the established rates inadequate or unjust. If the City Council should elect to supply the various City departments with utility services for any purpose, they shall establish the proper rate to be charged against the respective fund.

**71-3: METERS BILLED SEPARATELY.** Each and every utility meter shall be billed as a separate utility customer. Therefore, combining readings of two (2) or more meters of the same utility shall not be permitted.

**71-4: UTILITY SECURITY DEPOSIT.**

**(A) Amount.** In addition to the utility connection fees for municipal utilities, each applicant for residential service who is not the owner of said property and any applicant operating a business shall deposit with the City of Red Bud, an amount equal to two (2) months' estimated bill, based upon an average of twelve (12) months' usage but in no event to exceed Three Thousand Dollars (\$3,000.00) as a guarantee for the payment of utility bills.

**(B) Mobile Housing Deposit.** When an applicant owns a mobile home or immobilized mobile home, but rents a lot, he shall be required to pay the prescribed deposit as provided above in paragraph (A).

**(C) Application.** Each applicant for utility services who is required to pay the prescribed deposit as provided above in Paragraphs A and B shall submit an application for connection of utility services which includes the following information:

- (1) The applicant's driver's license number;
- (2) The applicant's telephone number and cell phone number;
- (3) The applicant's social security number;
- (4) The applicant's residence address; and
- (5) The applicant's signature.

**(D) Utility Security Deposit Account.** The City has utility security deposits which have been assigned by the customer to the City of Red Bud, which are held at a designated City depository. The City of Red Bud shall have the authority to transfer from the Utility Security Deposit Account an amount equal to any amount due and owing to the City for failure to pay any utility bill(s) owed by the applicant provided the City has complied with the procedures enumerated in Section 71-1(H)(1) of this Code.

**(E) Refunds.**

**(1) Utility Security Deposit Account.** The utility security deposit(s) of each customer shall remain in the designated City depository and shall be subject to the assignment to the City until such time as the customer discontinues their utility use or until or after twenty-four (24) months from the date of deposit for residential Customers only. Any residential Customer requesting the return of their deposit at or after the twenty-four (24) month period must do so in writing. If the Customer owes any amount of utility service and charges, the Customer's Utility Security Deposit shall be applied toward any monies due and owing to the City. The balance, if any, shall be refunded to such Customer. In the event any Customer discontinues service or has requested their deposit as stated above and has paid in full all amounts due for utilities or service charges, then the full amount of their Utility Security Deposit shall be refunded and the City Collector shall release the assignment of the Utility Security Deposit.

**(2) Customers Who Participate in Energy Assistance Programs.** Notwithstanding the foregoing, Customers who participate in energy assistance programs, such as Western Egyptian Economic Opportunity Counsel, Inc., are not eligible to receive a refund of their utility security deposit until their account has been paid in full and closed.

**(F) Uncollected Accounts.** The Public Works Committee of the City is hereby authorized to notify the Collector when any overdue utility account should be written off due to the inability to collect, for whatever reason. Upon notice by the Public Works Committee that an account should be charged off, the Collector shall transfer to the respective City Utility account the sum due and owing on such account from the interest collected by the City and the Customer's Deposit Account(s), as may be applicable.

When the Public Works Committee has notified the Collector to transfer interest monies as specified in this subsection, the Collector shall transfer the delinquent utility user from the active delinquent role of unpaid utility users to the "dead" utility user's role. The latter consists of those utility users who have not paid their accounts and have been determined to be non-collectible by the Public Works Committee. No unpaid utility user may receive additional utility service until the accounts are paid in full unless such Customer has filed for bankruptcy, thus causing the account to remain unpaid by stay of the Bankruptcy Court.

**(G) Notification to City.** The owner of rental or leased property shall immediately notify the City Collector, in writing, when the property is vacated so that the utility services may be terminated.

**(H) Reconnection of Service(s).** Whenever a Customer's Utility Security Deposit is used to pay a Customer's utility account for failure to pay their utility bill(s), such Customer's utility or utilities shall be disconnected unless or until the Customer deposits sufficient monies as their Utility Security Deposit so as to comply with Section 71-4(A). If disconnection of utilities has occurred prior to the Customer's redepositing necessary funds, then they shall also pay a reconnection fee pursuant to Section 71-1(H)(3) of this Code prior to any utility being reconnected. If Customer's Utility Security Deposit is used to pay Customer's utility bill(s) because of their failure to pay, then the Customer may not request their Utility Security Deposit to be refunded as stated in paragraph (E) above until twenty-four (24) months have elapsed since the last date the Customer defaulted in payment of their utility bill.

**71-5: APPLICANT REQUESTS DISCONTINUANCE OF SERVICE.** Any request for reconnection of any City utility service shall be in writing and accompanied by the fee specified above. No customer shall be permitted to disconnect or reconnect any of the services. Any disconnection or reconnection of any of the utility services will be made only by the City or its properly authorized employees. In the event a customer has been disconnected from utility services for failure to pay for such services, no customer may have any utility service reconnected unless all amounts owed by the customer to the City are paid in full. Upon payment by the customer of all unpaid utility bills, if any, the utility services may be reconnected upon payment of the deposit fees as specified above and upon payment of reconnection fee(s) as stated in Section 71-1(H)(3) as amended from time to time.

**71-6: CONTINGENCY FUNDS FOR FUTURE CONSTRUCTION.** A separate account hereafter designated as the "Contingency Fund for Future Construction" shall be established for each City utility, (i.e., Electric, Gas, Water and Sewer) and all future funds assessed and received for connections to the utility systems shall be deposited and maintained in each separate account. Such funds shall be reserved for future expansion of each said utility system unless required to be expended otherwise by law or contract.

**71-7: GAS CONNECTIONS AND SAFETY CHECK.** There shall be no charge for the safety check of a new permanent service for gas connection at a permanent location providing that the first safety check reveals that the service is proper and ready for connection. Should the first safety check reveal that the service is not proper and ready for connection, all subsequent safety checks required shall be billed at Twenty-Five Dollars (\$25.00) for each safety check during business hours and Fifty Dollars (\$50.00) for each safety check during non-business hours. Safety checks shall be in conformance with this Chapter.

**71-8: RESALE PROHIBITED.** No utility service shall be resold or distributed by the applicant or consumer thereof from the City supply to any premises other than that for which the application has been made and the meter installed. The customer shall not use any device or appliance which will modify or disturb the even, regulated pressure of other customers in his area. In the event of an emergency, the Superintendent shall approve of any deviation from this restriction.

**71-9 to 71-10: RESERVED.**

*WATER RATES AND CHARGES*

**71-11: WATER RATES.** For the following classifications of water service, the rates, based on the conditions and terms as set forth, are hereby established for the sale of water to the City's customers unless otherwise agreed upon.

**(A) Residential Rate - Inside Corporate Limits.**

Customer Charge	\$6.00 per month, per meter
All 1,000 gallons used per month	\$4.40 per 1,000 Gallons

**(B) Commercial Rate - Inside Corporate Limits.**

Customer Charge	\$9.00 per month, per meter
All 1,000 gallons used per month	\$4.40 per 1,000 Gallons

**(C) Out-Of-Town Rates.** The rates for all customers located outside of the corporate limits of the City shall be one hundred twenty-five percent (125%) of the above rates.

**71-12: WATER SERVICE CONNECTION CHARGE.**

**(A) Class 1 Water Service Connection Charge.** A water service connection charge to be known as “Class 1 Water Service Connection Charge” shall service all City municipal water customers who are not located in Sections 6 and 7, Township 4 South, Range 8 West of the Third Principal Meridian, Randolph County, Illinois and Sections 1 and 12 of Township 4 South, Range 9 West of the Third Principal Meridian, Monroe County, Illinois. The Class 1 Water Service Connection Charge shall be assessed as follows:

1" Service Connection	\$1,300.00
1 1/2" Service Connection	\$4,600.00
2" Service Connection	\$4,900.00

**(B) Class 2 Water Service Connection Charge.** A water service connection charge for municipal water customers located in Sections 6 and 7, Township 4 South, Range 8 West of the Third Principal Meridian, Randolph County, Illinois and Sections 1 and 12 of Township 4 South, Range 9 West of the Third Principal Meridian, Monroe County, Illinois is hereby created and shall be known as a “Class 2 Water Service Connection Charge” and shall be assessed as follows:

1" Service Connection	\$2,300.00
1 1/2" Service Connection	\$5,600.00
2" Service Connection	\$5,900.00

**(C)** All charges for a larger service connection shall be determined by the Superintendent and billed accordingly, such billing to be based on City’s costs. Fees for changes of upgrades to service shall be determined by the Superintendent and billed accordingly, such billing to be based on City’s costs. In computing City’s costs, if the service connection is located in the above-described Sections 6 and 7 and 1 and 12, it is hereby determined that the recoupment cost of the main is One Thousand Dollars (\$1,000.00) which shall be added to the City’s other costs for a larger service connection than those stated in Section 71-12 (A) and (B).

**(D)** Each individual family dwelling unit, residence, commercial unit or industrial unit that is connected to the Municipal Water System shall be individually metered. No individually metered customer shall extend his line after the meter to include any additional residential, commercial or industrial unit.

**(E)** All connection fees are due and payable when the service is applied for and expire one hundred twenty (120) days thereafter with such fees refunded to customer upon expiration. Thereafter, customer shall reapply and pay for a new connection. If a change or upgrade is applied for, an estimated fee shall be paid at the time of application with the balance, if any, due when installation is completed.

**71-13: INSTALLATION, COST, ETC.** The total cost of labor, excavation and laying of connecting pipes and materials therefor with necessary connections and fixtures shall be paid for by the consumer, as furnished, including the extension inside the property line and connection with the premises. The work shall be done by or under the supervision of the Superintendent. The material



and workmanship shall be approved by him and shall comply with the requirements of this Code, and the rules and regulations of any Fire Code adopted by the City Council.

**71-14 to 71-15: RESERVED.**

*SEWER RATES AND CHARGES*

**71-16: BASIS FOR SEWER SERVICE CHARGE.** The sewage service charge for the use of and for service supplied by the sewage facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and a debt service charge.

**(A) Debt Service Charge.** The debt service charge is computed by apportioning the annual debt service on a cost per one thousand (1,000) gallon basis and prorated monthly for billing.

**(B) Basic User Charge.** The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

**(1)** A five (5) day, twenty (20) degree centigrade (20°C) biochemical oxygen demand (BOD) of 200 mg/l or 1670 pounds per million gallons.

**(2)** A suspended solids (SS) content of 240 mg/l or 2000 pounds per million gallons. It shall consist of operation and maintenance costs plus replacement costs and shall be computed as follows:

**(a)** Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

**(b)** Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.

**(c)** Compute costs per 1000 gal. for normal sewage strength.

**(C) Surcharge for Excessive BOD and/or SS.** A surcharge will be levied to all users whose waters exceed the normal concentrations of BOD (200 mg/l) and SS (240 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 240 mg/l concentration for BOD and SS respectively. Section 71-21 specifies the procedure to compute a surcharge.

**(D)** The adequacy of the sewage service charge per Section 71-22 shall be reviewed, not less often than annually by a Certified Public Accountant for the City in his annual audit report. The sewage service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and debt service charge.

**(E)** The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

**71-17: MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one hundred (100) gallons excepting therefrom water which did not enter the City's sanitary sewer system (due to exceptional circumstances such as a line breakage and leakage on the building side of the meter). In the event water has been metered but did not enter the City's sanitary sewer system due to exceptional circumstances, the volume of flow used to determine sewer charges shall be the customer's average volume of flow for the previous three (3) months.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the City's waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise 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 person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the City.

**71-18: DEBT SERVICE CHARGE.** A debt service charge to each user of the sewage facility of the City is hereby established. A minimum charge of One Dollar Fifty-Three Cents (\$1.53) per month shall be applied to all users whose water consumption does not exceed two thousand (2,000) gallons per month. A debt service charge of Eighty Cents (\$0.80) per one thousand (1,000) gallons shall be applied to all users for water consumption in excess of two thousand (2,000) gallons per month.

**71-19: BASIC USER RATE.** There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the City as follows:

(A) A minimum charge of Eight Dollars Eighteen Cents (\$8.18) per month shall be applied to all users whose water consumption does not exceed two thousand (2,000) gallons per month.

(B) A basic user rate of Four Dollars Twenty-Two Cents (\$4.22) per one thousand (1,000) gallons shall be applied to all users for water consumption in excess of two thousand (2,000) gallons per month.

(C) All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum debt service charge and the basic user rate of Eighteen Dollars Fifty-Seven Cents (\$18.57) per five thousand (5,000) gallons. The flat rate charge will allow a maximum of five thousand (5,000) gallons per month.

In the event use of the wastewater facilities is determined by the City to be in excess of five thousand (5,000) gallons per month, the City may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

**71-20: SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD: \$0.48

per lb. of SS: \$0.28

**71-21: COMPUTATION OF SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by waste sampling. The BOD and suspended solids in the waste shall be determined from samples taken at the manhole or sampling point provided for such sampling at any period of time and of such duration and in such manner as the City may elect, or at any place mutually agreed upon by the person and the City. The results of sampling and analysis by the person may be used in determining surcharge computations after being confirmed by tests by the City.

**(A) Surcharge for Excessive BOD.** A surcharge is hereby levied on the user who discharges into the public sewage system flow containing BOD in excess of 200 mg/l. The pounds of excess BOD will be determined from the following formula:

$$Pb = Fm \times (Bx - 200) \times 8.34$$

Where:

- Fm = Monthly flow in million gallons (MG) contributing to excess BOD
- Bx = BOD of flow mg/l, causing the surcharge
- 8.34 = Conversion from mg/l to pounds per MG
- Pb = Pounds of BOD subjected to surcharge
- MG = Million gallons

The BOD surcharge in dollars per month will be determined by multiplying the pounds of BOD as determined above by the BOD surcharge rate per Section 71-20 above.

**(B) Surcharge For Excessive Suspended Solids.** A surcharge is hereby levied on the user who discharges into the public sewer system flow containing suspended solids (SS) in excess of 240 mg/l. The pounds of excess SS will be determined from the following formula:

$$Ps = Fm \times (Sx - 240) \times 8.34$$

Where:

- Fm = Monthly flow in MG, contributing to excess SS
- Sx = Suspended solids in mg/l, causing the surcharge
- 8.34 = Conversion from mg/l to pounds per MG
- Ps = Pounds of suspended solids subject to surcharge
- MG = Million gallons

The suspended solids surcharge in dollars per month will be determined by multiplying the pounds of SS as determined above by the SS surcharge rate per Section 71-20 above.

**71-22: COMPUTATION OF SEWAGE SERVICE CHARGE.** The sewage service charge shall be computed by the following formula and the users shall be billed monthly:

$$CW = CD + CM (Vu - X) Cu + CS$$

Where:

- CW = Amount of waste service charge (\$) per billing period.
- CD = Debt Service Charge per Section 71-18.
- CM = Minimum Charge for Operation, Maintenance and Replacement per Section 71-19 (A).
- Vu = Sewage Volume for the billing period.

X	=	Allowable consumption in gallons for the minimum charge per Section 71-19(A).
Cu	=	Basic User Rate for Operation, Maintenance and Replacement per Section 71-19(B).
CS	=	Amount of surcharge per Sections 71-20 and 71-21.

**71-23: CHARGES FOR CONNECTION TO SYSTEM.** Charges for any service connection to the Municipal Sewage System shall be assessed at rates according to the following schedule:

**(A) Class 325 Connection.** For each service connection of single dwelling units, commercial and industrial connections to a municipal trunk sewer, an assessment of Five Hundred Dollars (\$500.00) shall be made. The assessment shall be paid when the permit is applied for and obtained from the City Collector. Multiple dwelling units within this class of connection shall be assessed at the rate of Five Hundred Dollars (\$500.00) for each dwelling comprised of six (6) units or less, provided such units are connected into one (1) manhole at the property line closest to the existing main and one (1) connection made into the main. If a multiple dwelling unit is comprised of more than six (6) units, an additional fee of Five Hundred Dollars (\$500.00) shall be assessed for each grouping of six (6) units or any part thereof, provided such grouping of six (6) additional units or less are connected to a manhole which services the initial six (6) units of the dwelling.

**(B) Class 325--Mobile Home Park Connection.** Each lot located in a mobile home park shall be assessed the sum of Five Hundred Dollars (\$500.00). This assessment for connection of each lot to the sewer system shall be paid at the time the first occupant of each lot applies for his or her utility hook-up with the City. At such time, the City Collector shall bill the owner of the mobile home park this assessment of Five Hundred Dollars (\$500.00) and such shall be paid promptly by the owner of the mobile home park. No utility hook-up shall be made until this connection/assessment is paid by the mobile home park owner.

**(C) Class 1500 Connection.** For each service connection of single dwelling units, commercial and/or industrial connections to the Municipal Trunk Sewer located in Sections 6 and 7, Township 4 South, Range 8 West of the Third Principal Meridian, Randolph County, Illinois and any future extension thereof into Section 1, Township 4 South, Range 9 West of the Third Principal Meridian, Monroe County, Illinois to the Municipal Trunk Sewer, an assessment of One Thousand Five Hundred Dollars (\$1,500.00) shall be made. The assessment shall be paid when the sewer permit is applied for and obtained from the City Collector. Multiple dwelling units within this Class 1500 Connection shall be assessed at the rate of One Thousand Five Hundred Dollars (\$1,500.00) for each dwelling comprised of one (1) to six (6) units, provided such units are connected into one (1) manhole at the property line closest to the main and one (1) connection into the main. If a multiple dwelling unit is comprised of more than six (6) units, an additional fee of One Thousand Five Hundred Dollars (\$1,500.00) shall be assessed for each grouping of six (6) units or any part thereof, providing such grouping of six (6) additional units or less are connected to the manhole servicing the initial six (6) units of the dwelling. Any number of additional six (6) unit grouping or less may be added to the same manhole servicing the same building provided a fee of One Thousand Five Hundred Dollars (\$1,500.00) is paid for each additional grouping.

**71-24: INSPECTION AND FEES.**

(A) Each sewer lateral installation must be inspected by City personnel prior to covering. The cost of this inspection is included in the tap fees. A "Sewer Inspection Report" shall be completed by City following the inspection on a form that is to be maintained by the City Superintendent.

(B) **Loss of Paid Assessment Prior to May 1, 2003.** For a period of ten (10) years from the time an original assessment was paid, no additional connection fees shall be charged at the time of connection. During the period of ten (10) years from the date of payment of an original assessment through twenty-five (25) years, the connection fee in effect at the time of connection shall be reduced by the sum, if any, which was previously assessed and paid by the customer or his predecessor(s) in interest. For any connection made after twenty-five (25) years from the date of payment of an original assessment, no reduction shall be made to the connection fee in effect at the time of connection for any sum, if any, which was previously assessed and paid by the customer or his predecessor(s) in interest, and the connection fee shall be assessed at the rate in effect for such class of connection which is then in effect.

**71-25: ACCESS TO RECORDS.** The Illinois Environmental Protection Agency and the United States Environmental Protection Agency, or its or their authorized representative(s) shall have access to any books, documents, papers and records of the City which are applicable to the City's sewage system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Special or General conditions to any State Grant or loan or to any Federal Regulations and conditions of any Federal Grant or Loan to the City.

**71-26 to 71-27: RESERVED.**

*ELECTRIC RATES AND CHARGES*

**71-28: RATES AND CHARGES.** For the following classifications of electric service, the rates, based on the conditions and terms as set forth are hereby established for the sale of electric energy to the City's customers unless otherwise agreed upon.

**(A) Rate I -- Residential Rate:**

Customer Charge	\$10.00 per month
All KW-HRS used per month	\$0.0823 per KW-HR

The minimum monthly bill shall be Ten Dollars (\$10.00) per month. Rate I shall apply to residences and churches.

**(B) Rate II -- Commercial Rate:**

Customer Charge	\$20.00 per month
All KW-HRS used per month	\$0.0987 per KW-HR

The minimum monthly bill shall be Twenty Dollars (\$20.00) per month. Rate II shall apply to stores, shops, garages, depots, public halls, hospitals, mills, factories, pool rooms, taverns, soft drink parlors, restaurants and other places of business, public resort or amusement.

**(C) Rate III -- Small Power Rate:**

Customer Charge	\$50.00 per month
All KW-HRS used per month	\$0.0823 per KW-HR

The minimum monthly bill shall be Fifty Dollars (\$50.00) per month. Rate III shall apply to all customers, unless otherwise agreed to, having a monthly demand of seventy-five (75) KW or greater with a non-lighting or heat load of more than twenty-five percent (25%) of the total demand, and having an average non-coincident load factor of more than thirty-five percent (35%) and to customers presently being served under a contract which provides for billing under this rate.

**(D) Rate IV -- Larger Power Rate:**

Customer Charge	\$2500.00 per month
All KW-HRS used per month	Monthly Wholesale KW-HRS Rate
Peak KW per month (coincident with the City)	Monthly Wholesale KW Rate

The minimum monthly bill shall be Two Thousand Five Hundred Dollars (\$2,500.00) per month. Rate IV shall apply to all customers, unless otherwise agreed to, having a monthly demand of seventy-five (75) KW or greater with a non-lighting or heat load of more than twenty-five percent (25%) of the total demand, and having an average non-coincident load factor of more than thirty-five percent (35%) and to customers presently being served under a contract which provides for billing under this rate.

**(E) Purchased Power Adjustment (PPA).** In addition to the above compensation, the City of Red Bud, Illinois, shall collect a Purchased Power Adjustment on the sale of each KWH to each customer. For each 0.01 cent increase or decrease or major fraction thereof, in the City’s monthly purchased power of 6.50 cents per KWH in the first three (3) of four (4) months preceding the billing period, there shall be correspondingly added to or subtracted from each customer’s bill, an amount equal to 0.01 cents per KWH times the total KWH billed to the customers, on all of the above rates.

**(F) Special Contracts.** The City reserves the right to enter into special contracts. In deciding whether to enter into a special contract, the City will consider the overall economic impact the customer is expected to have on the City.

**(G) Rented Dusk-to-Dawn Lights.** The rates applicable for dusk-to-dawn lights shall be as follows:

150-watt	High Pressure Sodium Light	\$11.65	per month
150-watt	Equivalent LED Light (50-watt)	\$11.65	per month
250-watt	Equivalent LED Light (82-watt)	\$23.10	per month
400-watt	Equivalent LED Light (128-watt)	\$26.10	per month
1000-watt	Metal Halide Light	\$55.20	per month
1000-watt	Equivalent LED Light (252-watt)	\$55.20	per month
*175-watt	High Pressure Sodium Light (no longer offered but still in service)	\$11.65	per month
*250-watt	Metal Halide Light (no longer offered but still in service)	\$15.00	per month

\*400-watt Metal Halide Light  
(no longer offered but still in service) \$26.10 per month

**71-29: SERVICE CONNECTION CHARGE.** The charge applicable to each service connection requested under this Article shall be as follows:

**(A) Fee--Standard 120/240 -Volt Single-Phase 3 Wire Service:**

200 AMP Overhead Tap	\$1,350.00
200 AMP Underground Tap	\$1,350.00
300 AMP Underground Tap	\$2,050.00
300 AMP Overhead Tap	\$2,050.00
400 AMP Overhead Tap/Overhead Service Area	\$2,550.00
400 AMP Underground Tap/Underground Service Area	\$2,550.00
400 AMP Underground Tap/Overhead Service Area--(New Service)	\$2,550.00

**(B) Fee--Unattached Services: (When meter base and breaker are not attached to building for standard 120/240-volt single-phase 3-wire service):**

Installation of 200 AMP meter base and breaker \$1,550.00

**(C) Fee--3 Phase Service: Reserved.**

\* There shall be a charge of Three Dollars (\$3.00) for each foot of service line over one hundred (100) feet, such footage to be measured beginning at applicant’s property line nearest an existing transformer and ending at a point of entry into applicant’s building or weatherhead.

**(D)** All standard connection fees are due and payable when the service is applied for.

**(E)** Fees for changes or upgrades to existing services shall be determined by the City Superintendent and billed accordingly, such billing to be based on City’s cost plus ten percent (10%) on materials used.

**(F)** If boring of the conduit/service lines or non-standard installation methods/materials are requested or required, then the customer shall pay all such additional costs of the City and other contractors required for such installation of the service line in addition to the tap fee.

**71-30: NON-STANDARD SERVICE CONNECTION.**

**(A)** Any customer requesting special electrical service, not listed as a standard service connection, shall pay a sum equal to one hundred percent (100%) of the total cost of the additional line, transformers, metering, equipment and labor necessary to make the necessary installation.

**(B)** All non-standard service connection fees are due when the service is applied for. Payment will be based on an estimate prepared by the City Superintendent. If actual cost to install service is less than estimated, a refund will be made by the City. If the actual cost is greater than the estimate, a refund will be made by the City. If the actual cost is greater than the estimate, the applicant will be billed by the City.

(C) If a customer requests to have a non-standard service, and the feasibility of such service is approved by the Superintendent to provide such service, the customer assumes all risks incurred from such non-standard service. These risks would include, but not be limited to extended outages that may be due to transformer failure until the transformer is repaired or a suitable replacement can be obtained and installed.

**71-31: TEMPORARY SERVICE CONNECTION CHARGES.** For temporary service installed during construction or for some other purpose when requested as temporary service, there shall be an initial service and installation charge of Fifty Dollars (\$50.00) with monthly billings to then occur based upon the rates listed herein. A temporary service is 120/240 volt, 3 wire. Other temporary service requests will be reviewed by the City Superintendent, and if approved, cost shall be determined by the City Superintendent and billed accordingly, such billing to be based on City's cost.

**71-32 to 71-33: RESERVED.**

### *GAS RATES AND CHARGES*

**71-34: GAS RATES.** The rates charged by the City for natural gas service shall be as follows:

(A) There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the gas facilities of the City at the rate of Ten Dollars (\$10.00) per meter per month. Consumers of natural gas shall be charged each month for gas usage as measured by the consumer's gas meter at a rate of Five Dollars (\$5.00) for the first four hundred (400) cubic feet or less of gas used, plus the actual cost of natural gas, as determined by the billed cost to the City in the month immediately prior to the billing month, for every one hundred (100) cubic feet of gas used over the first four hundred (400) cubic feet, plus Eighteen and One-Half Cents (\$0.185) for every one hundred (100) cubic feet of gas used over the first four hundred (400) cubic feet.

(B) **Interruptible Service.** The interruptible service rate for natural gas shall be the same as the Regular Service rate.

(C) **Municipal Electric Generating Plant, Interruptible Gas Rate.** The actual cost of natural gas to the City.

(D) **Basis of Interruption.** Any or all interruptible customers shall have the supply of natural gas curtailed or discontinued when, in the sole judgment of the Superintendent, continued usage of natural gas by interruptible customers will cause excessive usage beyond allocations available to the system from the Natural Gas Supplier.

(E) **Alternate Fuel Usage.** When, in the judgment of the Superintendent, alternate fuels are available to supplement or replace the use of natural gas, the customer so interrupted may elect to use such supplemental fuel and by so doing, shall pay for the total cost of the supplemental fuel, as determined by said total cost of supplemental fuel and the incremental amount of supplemental fuel used by each user of supplemental fuel.

(F) **Shared Benefits by Partial Interruption.** Whenever an interruptible customer is allowed to use natural gas during a period of partial curtailment, the benefits that would normally be deferred in cost to the one user shall be prorated to the amount of total fuel usage by all those affected by an interruption of gas supply.



**(G) Gas Revenue Tax.** See Section 35-23 of the Revised Code of Ordinances.

**(H) Industrial or Special-Use Customers.** The City Council shall have the right to establish special rates for gas service to industrial or special-use customers.

**(I) Transportation of Customer-Owned Gas.**

**(1) Availability.** Transportation under this Rate is available to any applicable large commercial or industrial End-User (hereinafter called "Customer") (1) having a proven natural gas requirement of more than three thousand (3,000) Mcf per meter annually; (2) who has executed a written contract for deliveries hereunder at specifically identified points of metering; and (3) who has arranged for the delivery of customer-owned gas to the Mississippi River Transmission Corp., (hereinafter referred to as MRT) system for the purpose of service under said contract. It is understood that the City of Red Bud, Illinois, (hereinafter referred to as "City") must act "on behalf of" the Customer only for Natural Gas Policy Act, Section 311 transportation and only under a valid agency agreement. This Rate is not available to any customer now under special contract with the City or for transportation of intrastate gas. This rate is available only on the basis of separate and distinct meters.

**(2) Rate.** Rates and charges payable monthly under this Rate shall be as follows:

**(a) Transportation Rate--Base Monthly Charge:** Fifty Dollars (\$50.00) per meter each month during the term or extension of the contract for each month the Customer is transporting gas.

**(b) Interstate Transportation Charges:** All costs of any nature or type for or related to interstate transportation in advance of the City Gate shall be paid by the Customer.

**(c) Rate for All Gas Delivered:** Amount per Mcf computed as the net of the total rate chargeable under the applicable customer companion classification rate less the applicable commodity gas charge from the City's natural gas supplier. The "companion classification rate" is that rate stated in Section 71-34 (A) of the City Code as amended.

**(3) Installation Charges.** The Customer shall pay or reimburse the City prior to the initiation of service hereunder for additional recording charts, instruments, meters or other facilities required for the City to (1) take customer-owned gas into its system; and (2) record daily quantities of gas delivered to the Customer hereunder at each meter so designated. All other costs such as legal, engineering and administrative expenses in connection with delivery to the Customer shall also be paid in advance. Amounts shall be determined by the City, billed to and paid by the Customer prior to making any deliveries.

**(4) Late Payment Charge.** A charge for late payment shall be determined under the same provisions applicable under City ordinance at the time of occurrence.

**(5) Reimbursement for Taxes or Surcharges.** In addition to all other charges, the Customer shall reimburse the City for any current or retroactive taxes or surcharges which the City may be required to pay or obliged to collect from the Customer in respect of service hereunder. The City will bill the Customer monthly or retroactively for any such taxes. They shall include but not be limited to the Illinois Gas Revenue Tax and the Gas Research institute (GRI) Surcharge if not otherwise paid by Customer.

**(6) Order of Deliveries of Gas.** For billing purposes, gas taken by a Customer in any billing period at the point of metering for this Rate shall be deemed to be taken in the following order: (1) the quantity of customer-owned gas delivered to the City's system in the current billing period; (2) any excess or "balance" quantity of customer-owned gas previously delivered to the City's system but not taken by the Customer during the billing period immediately preceding the current billing period; and (3) the quantity of gas delivered under the companion classification. Any excess or balance quantity not taken by the Customer in the first subsequent billing period shall be forfeited to the City without recourse and at no cost to the City. No balance shall be carried for more than thirty (30) days following the close of a month.

**(7) Nature of Deliveries.** Deliveries of gas under this Rate are subject to full interruption. The City shall be the sole judge of the necessity for interruption. The City will endeavor to give Customer advanced notice whenever an interruption is required, and the Customer shall interrupt his use of customer-owned gas for the time and to the extent requested by the City. The City shall not be liable for any loss or production or for any damages whatsoever by reason of interruption or lack of advance notice. The City will endeavor to deliver gas under the companion rate classification to the extent of entitlement of the Customer. Any penalty assessed by MRT because City exceeded its contract allotment with MRT in order to deliver gas to Customer under the companion rate, will be passed to the Customer.

**(8) Measurement of Gas Delivered by the City.** The gas delivered by the City hereunder shall be measured in accordance with the then current tariff of MRT. It will include Btu values, pressure and temperature compensation, and chart recording of volumes delivered through each Customer meter.

**(9) Contract With Customer.**

**(a)** The contract entered into between the City and a Customer hereunder shall continue for a mutually agreed initial term not to exceed two (2) years from the effective date thereof, and from year to year thereafter, subject to the right of either party to terminate the same at the end of the initial term or of any such year to year extension thereof by written notice to the other given not less than thirty (30) days prior to the date of such intended termination. No third party shall have any rights under this contract.

**(b)** The contract between the City and the Customer shall provide for the measurement of customer-owned gas delivered to the City

only through the Red Bud-MRT City Gate with quality meeting MRT's specifications.

(c) The flow rate(s) of delivery of gas transported for any Customer hereunder and the pressure at which such gas is to be delivered shall be agreed upon by the City and the Customer and specified in the contract between them, or if now a Customer, at current service conditions for flow and pressure.

(d) The contract between the City and the Customer shall specify the maximum daily delivery quantities of customer-owned gas. MRT must provide the daily delivery data to the City for all customer-owned gas delivered to the City's distribution system. Their determination shall be binding upon the Customer.

(e) The Customer must provide the City with estimates of monthly volumes to be transported. These estimates must be made available before September 1 of each year or before deliveries begin.

(f) The Customer will furnish the City with copies of all gas supply and transportation contracts of Customer relating to service hereunder, including all amendments thereto in effect from time to time. Prior to the twenty-first (21<sup>st</sup>) of each month, the Customer will notify the City in writing of the volumes of gas to be transported in the subsequent month. This will be converted to or expressed as average daily flow. The Customer must request and receive approval of the City two (2) working days in advance of any mid-month changes. They must be confirmed in writing immediately.

**(10) Terms and Conditions of Service In Addition to Those Imposed by City Ordinance Elsewhere.**

(a) Service will be provided hereunder whenever and to the extent that customer-owned gas has been delivered for the Customer to the MRT system in accordance with the contract between the Customer and the City hereunder.

(b) In the event of an interruption or curtailment of deliveries of customer-owned gas supply to the City, the City will attempt to make up any deficiency in such supply to the extent of Customer entitlement. such make-up service will be made available to the Customer under the companion classification, to the same extent it would be available to the Customer absent service under this Rate excepting in the event of transportation of customer-owned gas being the direct cause of curtailment or reduction in gas entitlements from the City's natural gas supplier. Should historical purchase volumes under the companion classification become the basis for MRT entitlements, then the Customer will be provided such make-up service only to the extent of the volume to which he is entitled. Loss of entitlements shall be the risk of the Customer and penalties, if any, shall be paid by the Customer as stated above.

**(c)** The delivery of customer-owned gas by the Customer to the City's distribution system shall be fully at the Customer's expense in accordance with the contract entered into between the City and the Customer hereunder.

**(d)** The City will not be obliged to accept delivery of any customer-owned gas if such acceptance is in any way detrimental to or at the subsidy of other customers. Refusal to accept delivery shall be at the sole discretion of the City.

**(e)** The summation of the consumptions registered by two (2) or more meters at the points of Customer metering under this Rate shall not be permitted except as a matter of convenience to the City as determined solely by the City.

**(f)** If the Customer, his agents, sellers, brokers, marketers, shippers, transporters, suppliers or producers shall fail to comply with or perform any of the conditions or obligations on the Customer's part, to be complied with or performed under the contract entered into between him and the City hereunder, and if after such failure the City shall deliver at the Customer's local premises, addressed to him a written notice of its intention to terminate service hereunder on account of such failure, then the City shall have the right to terminate service at the expiration of ten (10) days after the giving of said notice unless within such ten (10) days the Customer shall fully make good such failure. The termination of service for any such cause shall not release the Customer from the obligation to make payment of any amount or amounts due or to become due in accordance with terms of his contract with the City hereunder or under other conditions provided by City ordinance.

**(11) General.** Service is subject to any current or future ordinances, rules or regulations of the City of Red Bud, Illinois pertaining to natural gas service and not in direct conflict with this Rate or the contract between the City and the Customer.

**71-35: SERVICE CONNECTION FEES.**

**(A)** The service connection fee for gas customers that use 800,000 BTU or less per hour, shall be as follows if the gas line to be installed is seventy-five (75) feet or less:

**(1) Within the City Limits.**

<b>(a)</b> R-275 meter	\$1,250.00
<b>(b)</b> R-415 meter	\$1,600.00
<b>(c)</b> R-630 meter	\$1,850.00
<b>(d)</b> R-800 meter	\$2,400.00

(e) An additional Eight Hundred Fifty Dollars (\$850.00) shall be added to the above fees if and when a tap is required to be on a steel main.

**(2) Outside the City Limits.**

(a) R-275 meter \$1,250.00

(b) R-415 meter \$1,600.00

(c) R-630 meter \$1,850.00

(d) R-750 meter \$2,400.00

(e) An additional Eight Hundred Fifty Dollars (\$850.00) shall be added to the above fees if and when a tap is required to be made on a steel main.

If boring of the pipe or non-standard installation methods/materials are requested or required, then the customer shall pay all such additional costs of the City and other contractors required for such installation of the service line in addition to the tap fee.

(B) There shall be a charge of Two Dollars Fifty Cents (\$2.50) for each foot of service line over seventy-five (75) feet, such footage to be measured beginning at applicant's property line nearest an existing main and ending at point of entry into applicant's building.

If boring of the pipe or non-standard installation methods/materials are requested or required, then the customer shall pay all such additional costs of the City and other contractors required for such installation of the service line in addition to the tap fee.

(C) The service connection fee for gas consumers that use over 800,000 BTU per hour, shall be determined by the Superintendent and billed accordingly, such billing to be based on City's cost. Fees for changes or upgrades to services shall be determined by the Superintendent and billed accordingly, such billing to be based on City's cost.

(D) All connection fees are due and payable when the service is applied for. All connection fees shall expire one hundred twenty (120) days from the date of application with such fees refunded to customer upon expiration. Thereafter, the customer must pay for a new connection fee(s) in full.

**71-36 to 71-37: RESERVED.**

**65 ILCS 5/11-117-1, et seq; 65 ILCS 5/11-125-1, et seq.**