VIRDEN SANITARY DISTRICT

ORDINANCE NO. 2026- 06

AN ORDINANCE AMENDING ORDINANCE NO. 2026-01 ENTITLED "AN ORDINANCE ESTABLISHING AND RECONFIRMING RATES, COLLECTION PROCEDURES, AND PENALTIES FOR NONCOMPLIANCE REGARDING THE SANITARY SEWER SYSTEM OF THE VIRDEN SANITARY DISTRICT, MACOUPIN AND SANGAMON COUNTIES, ILLINOIS."

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VIRDEN SANITARY DISTRICT
this 20th day of October 2026

Published in a pamphlet form by authority of the Board of Trustees of VIRDEN SANITARY DISTRICT, Macoupin and Sangamon Counties, Illinois, this 20th day of October 2026.

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ORDINANCE NO. 2026- 06

AN ORDINANCE AMENDING ORDINANCE NO. 2026-01 ENTITLED "AN ORDINANCE ESTABLISHING AND RECONFIRMING RATES, COLLECTION PROCEDURES, AND PENALTIES FOR NONCOMPLIANCE REGARDING THE SANITARY SEWER SYSTEM OF THE VIRDEN SANITARY DISTRICT, MANCOUPIN AND SANGAMON COUNTIES, ILLINOIS."

WHEREAS the Virden Sanitary District, Macoupin and Sangamon Counties, Illinois ("District"), is a sanitary district duly organized and existing in accordance with the Sanitary District Act of 1917 (70 ILCS 2405/1 *et seq*,); and

WHEREAS, the District is empowered to establish rates or charges for sewerage services (70 ILCS 3010/7); and

WHEREAS, on the 19th day of May 2026, the District's Board of Trustees adopted Ordinance 2026-01, to establish and reconfirm rates, collection procedures, and penalties for noncompliance regarding the District's sanitary sewer system; and

WHEREAS, on the 31st day of July 2026, the District's Board of Trustees adopted Ordinance 2026-04, to further establish and reconfirm rates, collection procedures, and penalties for noncompliance regarding the District's sanitary sewer system; and

WHEREAS, the District's Board of Trustees has determined that it is necessary, advisable and in the best interests of the District and its constituents to adopt this ordinance to further clarify, give notice, and outline the District's rates, collection procedures, and penalties for noncompliance regarding the District's sanitary sewer system as provided by Illinois law.

NOW, THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Virden Sanitary District, Macoupin and Sangamon Counties, Illinois, the following:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Definitions. The following definitions shall apply to this Ordinance:

"Dwelling Unit" shall mean: (i) a single family residence, (2) each apartment or condominium in an apartment building or any other multiple unit or condominium dwelling, or (3) each trailer space in a trailer park or mobile home park, but it shall not include structures used as hotels or motels, except rooms or suites with kitchenettes.

"Commercial" shall mean those premises consisting of any building or parts of buildings designed for or occupied by offices or business establishments operating for the purposes of purchase, sale, barter or exchange of goods, wares, merchandise, instruction or services, including all Users as defined under Section 35.905-8 of Title 40 – Protection of the Environment, Chapter 1 – Environmental Protection Agency, Sub-Chapter B – Grants, Part 35 – State and Local Assistance, Final Grant Regulations, Section 35.925.11 effective February 11, 1974, issued pursuant to the Federal Water Pollution Control Act Amendments of 1972.

"Residential" shall mean those premises consisting of any building or parts of buildings designed for or occupied by one or more persons as a Dwelling Unit which discharges sewage to the District Sewer system.

"User" or "Users" shall mean the owner of record, occupant, or user of real estate who is connected to and discharges sewage to a District Sewer.

"District Sewer" or "District Sewers" shall refer to any sewer constructed or under construction by the District or under the jurisdiction of the District, and any sewer under the jurisdiction of any other person or municipality that is in any manner connected to a sewer under the jurisdiction of the District, and shall include all manholes, intercepting chambers or other appurtenances thereof.

"District" shall mean The Virden Sanitary District, Macoupin and Sangamon

Counties, Illinois, its Board of Trustees, employees, and or other duly authorized agents.

Section 3. User Charge Rates. This ordinance shall apply to all commercial and/or Residential properties served by the District, with the exception of the Virden Fire Protection District due to the public services provided. The most recent Rate Study conducted for the District was prepared by its consulting engineering firm, Hutchinson Engineering, Jacksonville, Illinois, as a basis for its current rates and projected revenues through the year 2030. The number of accounts used in this study were established using water usage data from the City of Virden from February 2025, through January 2026. The number of overall accounts assumed for the calculations was the average number of active accounts for water usage data provided. Upon review of the account names, it was determined that approximately 109 accounts were non Residential in nature and that 1,466 accounts were Residential in nature. Of those non-residential users, approximately 33 accounts used between 2,000 and 15,000 gallons per month, and approximately 8 accounts used over 15,000 gallons per month. According to data from the 2023 American Census 5-Year Estimate for Virden, IL, approximately 16.7% of residents are senior citizens (age 65 years or older). The rates for the use and service of the Users of the District for the use of its sewer system and sewage treatment plant shall be as described in the schedule of usage attached and incorporated to this Ordinance as **Exhibit A**.

Consistent with the District's adoption and implementation of Ordinance 2026-01 and Ordinance 2026-04, and all applications for reduced user charge rates received and approved by the District as of the date of this Ordinance, the District shall place all Users in one of three categories: Standard Residential (all consumption levels), Medium-Use Non-Residential (2,000 gal/month to 15,000 gal/month), or High-Use Non-Residential (>15,000 gal/month). Users placed into the High-Use Non-Residential category shall be identified using the available existing water

usage data and at the sole discretion of the District. It shall be the responsibility of a User to submit an application to the District requesting one of the reduced rates: Senior Residential (<2,000 gal/month), Low-Use Non-Residential (<2,000 gal/month), or Medium-Use Non-Residential (between 2,000 and 15,000 gal/month).

Users applying for the Senior Residential Rate must complete and submit the Senior Residential Rate Application Form that is attached and incorporated hereto as **Exhibit B** to the District between November 1st and December 31st of each calendar year to verify that the User is of the age of 65 years or older, resides upon the real estate, and consumes less than 2,000 gallons of water per month upon the real estate. Additionally, Users applying for the Senior Residential Rate must provide a valid government-issued form of identification and documentation showing the water consumption upon the real estate at issue for not less than the prior six months. Users approved by the District for the Senior Residential Rate must annually renew their rate status by submitting the Senior Residential Rate Application Form to the District between November 1st and December 31st of each calendar year. Failure to renew an existing classification for the Senior Residential Rate shall result in the User being charged the Standard Residential rate until the User submits a renewal application which is approved by the District. The District reserves the right to issue a corrective bill for sanitary sewer services to a User who received the Senior Residential Rate and did receive water utility services upon the real estate at issue at any point between January 1 through December 31 during the calendar year to which the Rate applies. In such a case, the User shall be notified of the cause and amount of the adjustment, and the undercharged amount shall be added to the User's monthly sanitary sewerage bill in the amount determined by the District.

Users applying for the Medium-Use Non-Residential Rate must complete and submit the

Medium-Use Non-Residential Rate Application Form that is attached and incorporated hereto as **Exhibit C** to the District between November 1st and December 31st of each calendar year. Users applying for the Medium-Use Non-Residential Rate must provide documentation showing the water consumption upon the real estate at issue for not less than the prior six months. Users approved by the District for the Medium-Use Non-Residential Rate must annually renew their rate status by submitting the Medium-Use Non-Residential Rate Application Form to the District between November 1st and December 31st of each calendar year. Failure to renew an existing classification for the Medium-Use Non-Residential Rate shall result in the User being charged the High-Use Non-Residential Rate until the User submits a renewal application which is approved by the District. The District reserves the right to issue a corrective bill for sanitary sewer services to a User who received the Medium-Use Non-Residential Rate and did receive water utility services upon the real estate at issue at any point between January 1 through December 31 during the calendar year to which to the Rate applies. In such a case, the User shall be notified of the cause and amount of the adjustment, and the undercharged amount shall be added to the User's monthly sanitary sewerage bill in the amount determined by the District.

Users applying for the Low-Use Non-Residential Rate must complete and submit the Low Use Non-Residential Rate Application Form which is attached and incorporated hereto as **Exhibit D** to the District between November 1st and December 31st of each calendar year. Users applying for the Low-Use Non-Residential Rate must provide documentation showing the water consumption upon the real estate at issue for not less than the prior six months. Users approved for the Low-Use Non-Residential Rate must annually renew their rate status by submitting the Low Use Non-Residential Rate Application Form to the District between November 1st and December 31st of each calendar year. Failure to renew an existing classification for the Low-Use Non-

Residential Rate shall result in the User being charged the High-Use Non-Residential rate until the User submits a renewal application which is approved by the District. The District reserves the right to issue a corrective bill for sanitary sewer services to a User who received the Low-Use Non Residential Rate and did receive water utility services upon the real estate at issue at any point between January 1 through December 31 during the calendar year to which to the Rate applies. In such a case, the User shall be notified of the cause and amount of the adjustment, and the undercharged amount shall be added to the User's monthly sanitary sewerage bill in the amount determined by the District.

Sunrise Skilled Nursing and Rehab consistently has a monthly water usage exceeding 300,000 gallons per month, with isolated months exceeding 700,000 gallons per month. Therefore, the District has assigned a unique rate to this User to reflect significantly higher monthly usage. Using data collected from August 2024 through February 2026, a consumption of 446,000 gallons per month has been consumed by this account holder.

Effective August 1, 2024, the District will contract with a private company for its billing and collection services. Said amounts for sanitary sewer usage shall be billed and payable monthly. The owner of a premises for which sanitary sewer services are billed by the District, the occupant thereof, and all other Users shall be jointly and severally liable to pay for the sanitary sewer service rendered by the District to such premises and said service is furnished to the premises by the District only upon the condition that the owner of the premises, occupant and or other User of the services are jointly and severally liable therefore to the District. Bills for sanitary sewer service shall be sent by the District, a third party private company, or such other means of billing as the District's Board of Trustees shall determine and direct.

Section 4. User Charge Rate Re-Classifications. Notwithstanding the procedures

outlined in Section 3 of this Ordinance for a User to receive one of the reduced user charge rates from the District (Senior Residential; Low-Use Non-Residential; or Medium-Use Non-Residential), the District reserves the right, from time to time and upon on its own initiative, to conduct systematic reviews of properties receiving sewerage services to verify that rate classifications remain accurate and consistent with the rate study referenced within Section 2 of this Ordinance. Upon completion of such review, the District may change a User's current user charge rate classification based on the criteria set forth within this Section 4.

Prior to implementing a change in rate classification under this Section, the District shall send a written Notice of User Charge Rate Re-Classification to the User, which shall include: (A) The name and address of the owner of record;

(B) The current rate classification and the new rate classification;

(C) The current monthly rate and the new monthly rate;

(D) The basis for the rate re-classification;

(E) The effective date of the rate re-classification, which shall be not less than 30 days from the date of the Notice;

(F) that the deadline of the sewerage service billing period in which the User receives a Notice of Rate Re-Classification shall be the deadline for a User to file a "Petition to Appeal Billing Re-Classification" with the District to request a hearing before the District's Board of Trustees regarding the billing re classification;

(G) a User's procedural rights to dispute the billing re-classification, including to present evidence on his or her behalf at such hearing and appear in person or by legal counsel;

(H) that if a User fails to file a Petition to Appeal Billing Re-Classification with the

District by the deadline contemplated herein, then the User shall be deemed to have waived its right to object to the billing reclassification; and

(I) Contact information for the District office where questions regarding the rate classification change may be directed.

The District shall send the Notice to the User by regular mail to the address as shown on the most recent tax records of the county in which the property is located or to such other address as the User has provided to the District in writing for purposes of receiving notices, hand delivery to the User, or affixing the original or facsimile of the Notice to the front door of the property subject to the rate re-classification if the name of the User cannot be ascertained or if delivery to the User cannot be made by mail. The District shall send a Notice of User Charge Rate Re-Reclassification to a User at least 30 days before the date which the re-classification shall take effect.

Pursuant to 70 ILCS 3010/7, the District reserves the right to adjust a User's current user charge rate classification in its own discretion or at the request of a User, retroactively or prospectively, and thereby change the monthly rate charged to such property, based upon the occurrence of any of the following circumstances:

(1) A change in the type, nature, or character of a business, commercial activity, or operational use conducted upon the property receiving sanitary sewer services by the District that results in a change in the nature or intensity of sewerage service demands. Such changes include, but are not limited to:

a. A conversion from one type of business to another (e.g., from retail use to restaurant use, or from office use to manufacturing use);

b. A change in the operational characteristics of a business that materially affects sewerage discharge volume, strength, or frequency;

c. An addition or elimination of processes, activities, or equipment that generate sewerage

discharge;

d. A change in hours of operation, number of employees, or customer volume that materially affects sewerage service demands; or

e. Any other change in business activity that, in the reasonable and sole judgment of the District, warrants reclassification based upon the classification criteria set forth in the most recent rate study prepared for the District.

(2) A change in ownership of the property when:

a. The new owner changes the use of the property in a manner that is reasonably expected to affect the nature or intensity of sewerage service demands, regardless of whether such change constitutes a change of business;

b. The change in ownership is accompanied by visible improvements, modifications, or alterations to the property that are reasonably expected to affect sewerage service demands; or

c. The District receives information or documentation demonstrating that the property's actual sewerage service characteristics differ from the characteristics upon which the prior rate classification was based.

(3) When there is a change in the physical characteristics or configuration of the property that is reasonably expected to affect sewerage service demands, including but not limited to: a. Construction of additional buildings, structures, or improvements on the property; b. Subdivision or consolidation of parcels;

c. Addition or elimination of Dwelling Units;

d. Expansion or reduction of building square footage;

e. Connection or previously unconnected facilities or disconnection of previously connected facilities; or

f. Installation or removal of equipment, fixtures, or systems that affect sewerage discharge.

(4) When the District, in its sole discretion, determines that the user charge rate designated to the property has been incorrectly classified due to:

a. Administrative error in the application of the rate study's classification criteria;

b. Incomplete or inaccurate information regarding the property's use or characteristics at the time of initial classification;

c. Misunderstanding or misapplication of the rate study's definitions or classification standards; or

d. Any other error that resulted in the property being assigned a rate classification inconsistent with the rate study.

Corrections of classification errors under this subsection shall be applied prospectively from the date of correction, except that the District may apply corrections retroactively when the error resulted in the property being charged less than the correct rate and the User knew or reasonably should have known that the classification was incorrect or at the request of a User and in the District's ultimate discretion.

If the deadline of the billing period in which a User receives a Notice of Rate Re-Classification falls on either a state or federal holiday, or a weekend, then the next regular business day observed by the District shall be the deadline for a User to file a Petition to Appeal Billing Re-Classification.

The Petition to Appeal Billing Re-Classification form shall be made available to Users at the District's offices. The Petition shall:

a) Identify the property by address and parcel number;

b) State the grounds for disputing the proposed user charge rate re-classification; c) Provide any documentation, records, or other evidence supporting the property owner's position, which shall at minimum include water bills or other documents produced by the City of Virden,

Village of Thayer, or other water utility provider demonstrating the water usage upon the real estate for not less than 3 calendar months preceding the month which the District delivered a Notice of User Charge Rate Re-Reclassification; and

d) Include the property owner's contact information and signature.

A User must provide all requested information, evidence, and documentation within the Petition in order for the District's Board of Trustees to consider its merits. If a User fails to deliver written notice to the District's Board of Trustees by the deadline contemplated by this Section, then the User shall be deemed to have waived the right to object to the billing reclassification.

If a User files a Petition to Appeal Billing Re-Classification to the District by the deadline contemplated by this Section, then the District shall have 30 days from the date which the Petition is filed to investigate the User's basis for appeal and thereafter hear the dispute at its next regularly scheduled meeting held after the date which the 30-day period for the District to investigate the Petition expires. At said meeting, the District's Board of Trustees shall hear all evidence and statements on behalf of the User, together with all statements and evidence submitted by staff and such professional consultants to the District's Board of Trustees as the Board may authorize and request. For purposes of this subsection, the "statements and evidence" submitted by the staff and professional consultants of the Board may include, without limitation, evidence, audits, or reports which the District relied upon to make the reclassification that is being challenged.

All user charge rate re-classifications established and applied under this Section 4 shall comply with the following standards:

1) *Reasonableness*. User charge rate re-classifications shall be reasonable and rationally related to the cost of providing sewerage service to properties within each classification. The District's most recent rate study referenced within Section 2 of this Ordinance shall serve as the basis for determining the reasonableness of rate classifications.

2) *Non-Discrimination*. User charge rate re-classifications shall not be arbitrary nor discriminatory. Properties that impose similar sewerage service demands on the District's system must be classified consistently. Differences in rate classifications among properties must be reasonably related to differences in the cost of providing service.

3) *Rational Basis*. Classification schemes shall rest upon a reasonable basis and bear a rational relation to the legitimate purposes of the Sanitary District's rate structure. User charge rate re classifications based upon property use, ownership characteristics, or other factors identified above within this Section 4 shall be presumed to have a rational basis when they are applied consistent with the District's most recent rate study further described within Section 2 of this Ordinance.

A hearing before the District's Board of Trustees with respect to a Petition to Appeal Billing Re-Classification shall be presided over by the President of the District, who shall hear testimony and accept any evidence and argument relevant to whether the user charge rate re-classification at issue should be affirmed, modified, or reversed. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Section. At such a hearing, it shall be the User's burden to show by clear and convincing evidence that the user charge rate re-classification at issue should be modified or reversed.

No hearing before the District's Board of Trustees with respect to a Petition to Appeal Billing Re-Classification may be continued except in cases where a continuance is absolutely necessary to protect the rights of the User. Lack of preparation shall not be grounds for a continuance. Any continuance of such a hearing that is authorized by the District's Board of Trustees shall not exceed 25 days. The case of the District may be presented by an attorney designated by the District. The case for the User may be presented by the User or his or her attorney. If on the date set for hearing the User or his or her attorney fails to appear, the President of the District's Board of Trustees may

find the User in default and shall proceed with the hearing and accept evidence relevant to whether the user charge rate re-classification at issue is unjust, unreasonable, discriminatory, or unauthorized by law from the District.

At the conclusion of said hearing, the District's Board of Trustees shall make a determination on the basis of the evidence presented whether to affirm, modify, or reverse the user charge rate re classification. This determination shall be in writing and be designated as findings, decision, and order. The findings, decision, and order shall include: (i) the District Board of Trustees' findings of fact; (ii) a decision of whether or not the user charge rate re-classification at issue is unjust, unreasonable, discriminatory, or unauthorized by law; and (iii) an order that states the user charge rate re-classification is affirmed, modified, or reversed. A copy of the District's Board of Trustees' findings, decision, and order shall be sent via first class mail to the User within 5 days after it is issued. The findings, decision, and order of the District's Board of Trustees shall be final and binding, and subject to judicial review in the circuit court of the county in which any part of the hearing was held or where the real estate subject to the user charge rate re-classification is located.

During the pendency of a review or appeal with respect to a Petition to Appeal Biling Re Classification, the User shall continue to pay the user charge rate related to the real estate at issue and in effect prior to the proposed user charge rate re-classification. If the user charge rate re classification is affirmed or modified, the User shall pay the difference between the amounts paid and the amounts due under the new user charge rate classification, plus interest at the rate established under Section 5 of this Ordinance for delinquent charges. If the user charge rate re-classification is reversed, then no additional amounts shall be due.

Section 5. Delinquent Bills. The District will bill a User each month and billings will be sent to a User on the first day of the following month and shall be due on the twentieth calendar date of the same month. For example, a bill relating to sewer services received by the real estate

during the month of January will be billed to a User on February 1 and will be due on February 20th. A User shall receive a separate bill for each parcel of real estate which receives sanitary sewer services from the District.

Users who receive bills for sanitary sewer service and who do not pay such bills upon 30 days' issuance are deemed delinquent. Failure to pay the District for charges for sanitary sewer services within 30 days' issuance of a bill for such services shall be sufficient grounds to discontinue sanitary sewer services to the real estate which the delinquency arises. However, the District shall not be required to discontinue services to any property. Any fees or costs for disconnection shall be deemed a charge for service and such charges may be included in any suit or lien, including and without limitation, any costs incurred by the District from a municipal corporation which disconnects water utility services to the same real estate by reason of delinquent sanitary sewerage bill(s). All late payments will be assessed a 10% late fee penalty.

Thereafter, the District shall have several options for dealing with the said non-payment:

i) If a User's check is returned for insufficient funds, closure of account, or for any other reason, a fee of Twenty-Five Dollars ($25.00) shall be charged against such User;

ii) All late payments will be assessed a 10% late fee penalty;

iii) If a User does not pay a bill issued in the manner and time prescribed by this Ordinance, the District shall have the right to disconnect and/or plug any connection made to any sewer tributary to a District Sewer. Before discontinuing sanitary sewer services to a premises, the District shall send a Notice of Delinquency to the owner(s) of record of the real estate as referenced by the taxpayer's identification number. The Notice of Delinquency shall give notice sufficient to inform the owner(s) of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent, that unpaid charges or rates may create a lien on the real estate pursuant to 70 ILCS 3010/7, and the deadline for the User to file

a Petition to Appeal Disconnection with the District. Non-payment by the date specified in a Notice of Delinquency sent to a User or non-payment of at least 50% of the outstanding delinquent balance in accordance with any written agreement between the District and a User may lead to disconnection of sewerage services. Disconnection of sewerage services shall not occur without affording the User a meaningful opportunity to be heard. The Petition to Appeal Disconnection form shall be made available to Users at the District's offices. The Petition shall:

a) Identify the property by address and parcel number;

b) State the grounds for disputing the applicable bill;

c) Attach the Delinquency Notice received from the District;

d) Provide any documentation, records, or other evidence supporting the User's position; and

e) Include the User's contact information and signature.

A User must provide all requested information, evidence, and documentation within the Petition to Appeal Disconnection in order for the District's Board of Trustees to consider its merits. If a User fails to deliver a Petition to Appeal Disconnection for a specific billing period by the deadline contemplated in the Notice of Delinquency received from the District, then the User shall be deemed to have waived the right to object to the specific billing period deemed delinquent by the District.

If a User delivers a Petition to Appeal Disconnection by the deadline given in the applicable Notice of Delinquency, then the District shall hold a hearing on the Petition at the next regularly scheduled meeting of the District's Board of Trustees. At said meeting, the Board of Trustees shall hear all evidence and statements on behalf of the User, together with all statements and evidence submitted by staff of the District. For purposes of this subsection

"statements and evidence" submitted by the staff of the District may include, without limitation, evidence, audits, or other documentation which the District relied upon to determine whether the user charge rates for the applicable billing period(s) are delinquent.

The hearing before the District's Board of Trustees with respect to a Petition to Appeal Disconnection shall be presided over the President of the District, who shall hear testimony and accept any evidence and argument relevant to whether the user charge rates for the applicable billing period(s) are delinquent as defined by 70 ILCS 3010/7. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this subsection. At such a hearing, it shall be the User's burden to show by clear and convincing evidence that the user charge rates for the applicable billing period(s) are not delinquent as defined by 70 ILCS 3010/7.

No hearing before the District's Board of Trustees with respect to a Petition to Appeal Disconnection may be continued except in cases where a continuance is absolutely necessary to protect the rights of the User. Lack of preparation shall not be grounds for a continuance. Any continuance of such a hearing that is authorized by the Board of Trustees shall not exceed 25 days. The case of the District may be presented by an attorney designated by the District. The case for the User may be presented by the User or his or her attorney. If on the date set for hearing the User or his or her attorney fails to appear, the President of the District may find the User to be in default and shall proceed with the hearing and accept evidence relevant to whether the user charge rates for the applicable billing period(s) are delinquent as defined by 70 ILCS 3010/7. At the conclusion of a hearing with respect to a Petition to Appeal Disconnection,the District's Board of Trustees shall make a determination on the basis of the evidence presented whether the user charge rates for the applicable billing period(s) are delinquent as defined by 70 ILCS 3010/7. This determination shall be in writing and be

designated as findings, decision, and order. The findings, decision, and order shall include: (i) the District Board of Trustee's findings of fact; (ii) a decision of whether the user charge rates for the applicable billing period(s) are delinquent as defined by 70 ILCS 3010/7; and (iii) an order that states the determination of the District whether the user charge rates for the applicable billing period(s) are delinquent as defined by 70 ILCS 3010/7 is affirmed, modified, or reversed. A copy of the District's Board of Trustees findings, decision, and order shall be sent via first class mail to the User within 5 days after it is issued. The findings, decision, and order of the District's Board of Trustees shall be final and binding, and subject to judicial review in the circuit court of the county in which any part of the hearing was held or where the premises subject to the user charge rates is located.

During the pendency of a review or appeal with respect to a Petition to Appeal Disconnection, the User shall continue to receive sanitary sewerage services to the premises from the District and the User shall be responsible for timely paying all bills for such services. If the original determination of delinquency by the District affirmed or modified, then the District shall have the right to cause the sanitary sewerage services to the premises to be discontinued.

If a User is disconnected from the District Sewer System for non-payment, an improper connection fee, a connection made without a proper permit, or if the connection has not been made in accordance with the regulations and specifications of the District as set forth in this or other ordinances adopted by the District, the User who is disconnected will be responsible for a private contractor's cost to dig to locate the shut-off and to dig to reinstate sewer services as charged by the private contractor, in addition to any costs that the Sanitary District may incur in requesting that a municipal corporation or political subdivision of this State to discontinue water service to the real estate which the delinquency arises pursuant to 70 ILCS 3010/7. All

such expenses will be assessed to the User whose service is terminated. Any User whose service is disconnected due to non-payment of any sanitary sewer service bill, shall be charged a reconnect fee of Fifty Dollars ($50.00) and no sewer service shall thereafter be rendered to such delinquent User until all such bills, claims and penalties, including the reconnect fee of Fifty $(50.00) Dollars has been paid in full;

iv) The District may record, and mail to the owner(s) of record via first class mail, a notice of lien, which shall contain a sworn statement setting forth: (i) a description of the real estate sufficient for the identification thereof; (ii) the amount(s) of money due for such sewerage services; (iii) the date(s) when such amount(s) became delinquent; and (iv) a statement that any costs or attorney's fees incurred in connection with the foreclosure of any lien shall be added to the balance thereof. The failure of the District to file and record a notice of lien shall not affect the validity of any lien held by the District. The notice sent to the owner(s) of record shall further state that the charges are delinquent on the property and that the unpaid charges may create a lien on the real estate pursuant to 70 ILCS 3010/7. The District may, but is not required to, mail the notice of lien to the owner(s) of record prior to recording it. The District shall mail any notices to the owner(s) of record at their last known mailing address, and the District shall not exercise any further efforts to locate the owner(s) of record. If the District has properly mailed a notice of lien to the owner(s) of record at their last known mailing address, the fact that the owner(s) of record did not receive a copy of the notice of lien does not act to defeat the lien. The District shall have the right to compromise any lien, recorded or otherwise, in the event it deems it in the best interests of the District and its inhabitants to do so. The District, or its assignee, may foreclose a lien as a mortgage. All title costs, attorney's fees and other costs and expenses of the foreclosure shall be included and added to the total indebtedness owed to the District under the lien;

v) The District shall have the right to, but is not obligated to, sue a User or any person or legal entity receiving any direct or indirect benefit from sewerage services delivered to the real estate which a delinquency arises in a civil action to recover money due to the District for sewerage services, in addition to the District's reasonable attorney's fees and court costs incurred to collect said money due to be fixed by a court of competent jurisdiction. Any and all suits or right to sue may be assignable at the sole option and discretion of the District's Board of Trustees. Prior to filing suit, the District shall give notice of its intention to bring such an action to the owner(s) of record (as determined by the taxpayer identification number) via regular mail not less than 7 days prior to filing suit. The District shall mail any notice of intent to file suit to the owner(s) of record (as determined by the taxpayer identification number) at their last known mailing address, and the District shall not exercise any further efforts to locate the owner(s) of record. If the District has properly mailed a notice of intent to file suit to the owner(s) of record (as determined by the taxpayer identification number) at their last known mailing address, the fact that the owner(s) of record did not receive a copy of the notice of intent to file suit does not act to defeat any suit actually filed. The District shall have the right to compromise any suit in the event it deems it in the best interests of the District and its inhabitants to do so;

vi) An Installment Payment Plan may be established for the payment of delinquent sewerage bills and related penalties between Eligible Participants and the District, at the sole discretion of the District's Board of Trustees. For purposes of this subsection, "Eligible Participant" shall mean an owner, occupant, or user of the real estate receiving sewerage services from the District, who: (i) has received a notice from the District concerning delinquent sewerage bills; and (ii) has paid at least 50% of the delinquent balance due to the District for the relevant time period of delinquent sewerage bills; and

vii) A Landlord Sewerage Payment Plan may be established for the payment of delinquent sewerage bills and related penalties between an Eligible Landlord and the District, at the sole discretion of the District's Board of Trustees. For purposes of this subsection, an "Eligible Landlord" means an owner of real estate receiving sewerage services that features a building that several people reside that features a common entrance and hallway, who: (i) has received a notice from the District concerning delinquent sewerage bills; (ii) agrees to be legally responsible for payment of sanitary sewerage bills relating to the Residential real estate which the delinquency or delinquencies relate as of the date which the District approves the Landlord Sewerage Payment Plan; and (iii) has paid at least 50% of the delinquent balance due to the District for the relevant time period of delinquent sewerage bills.

viii) The District may grant a credit against a User's user charge rate for a period starting on January 1 through December 31 of a calendar year if the real estate to which the sewer charge rates relate to is unoccupied and did not receive water utility services starting on January 1 through December 31 of the prior calendar year. For purposes of this subsection, real estate is "unoccupied" if the building, structure or portion thereof lacks the habitual presence of human beings who have a legal right to be on the premises. The Unoccupied Property Credit shall be equivalent to the sewer charge rates for the real estate for the billing periods starting on January 1 through December 31 of the applicable calendar year.

To determine whether a property is unoccupied, the District may consider the following factors: (i) a building, structure or portion thereof is located upon the real estate and which substantially all lawful residential or business activity has ceased; (ii) the building is substantially devoid of contents, with the condition and value of fixtures or personal property found upon the property are relevant to this determination; (iii) the building lacks utility services (i.e., water, electric, or natural gas); and (iv) the building is not actively for sale as part

of a contractual agreement to sell the building and the building lacks “for sale”, “for rent”, or other similar signage.

To apply for and receive an Unoccupied Property Credit, a User must submit an Unoccupied Property Credit Petition to the District Plant Manager at the District’s offices, on or before the 20th day in January of the year in which the User seeks the Unoccupied Property Credit, and during the District’s regular business hours (i.e., if a User seeks an Unoccupied Property Credit for the period of Jan. 1, 2027, through December 31, 2027, a User must submit an Unoccupied Property Credit Petition to the District by January 20, 2027). If a User fails to file an Unoccupied Property Credit Petition with the District Plant Manager by the deadline contemplated by this subsection, then the User shall waive any claim to receive the Unoccupied Property Credit for the applicable cycle. If the deadline for a User to file an Unoccupied Property Credit Petition with the District Plant Manager falls on a holiday or a weekend, then the deadline shall be extended to the District’s next business day.

The Unoccupied Property Credit Petition form shall be made available to Users at the District’s offices. The Petition shall:

a) Identify the property by address and parcel number;

b) Identify the billing cycle to which the petition relates to;

c) Attach an affidavit showing that the property did not receive and consume water utilities starting on January 1 through December 31 of the calendar year immediately preceding the year in which the User seeks the Unoccupied Property Credit; and

d) Include the property owner’s contact information and signature.

The District Plant Manager shall grant a User’s Petition upon presentation of the acceptable documentation described above. The District’s Board of Trustees confers onto the

District Plant Manager the ability to exercise discretion to consider anomalies within water bills.

The District reserves the right to issue a corrective bill for sanitary sewer services to a User who received the Unoccupied Property Credit and did receive water utility services upon the real estate at issue at any point between January 1 through December 31 during the calendar year to which to Credit applies. In such a case, the User shall be notified of the cause and amount of the adjustment, and the undercharged amount shall be added to the User's monthly sanitary sewerage bill in the amount determined by the District.

The District Plant Manager shall deny the Petition if a User fails to include any of the required information described above. The District shall cause a written determination of whether to grant a User's Petition to the User not later than 5 days after the date which the District Plant Manager makes said determination. The District shall cause the written determination to be sent to the User via first class mail and delivered to the address of the User as shown on the most recent tax records of the county in which the real estate at issue is located, or to such other address as the User has provided to the District in writing for purposes of receiving notices. The District reserves the right to deliver its written determination to a User via hand delivery or by affixing an original or facsimile of the written determination to the front door of the property if delivery of the written determination cannot be made by mail.

If the District's Plant Manager denies a User's Unoccupied Property Credit Petition, then a User may appeal that determination to the District's Board of Trustees by filing an Unoccupied Property Credit Petition Appeal with the District not later than 30 days from the date of the District Plant Manager's written determination. The Unoccupied Property Credit Petition Appeal form shall be made available to Users at the District's offices.

The Appeal form shall:

a) Identify the property by address and parcel number;

b) State the grounds for disputing the Plant Manager's denial of the Unoccupied Property Credit Petition;

c) Attach acceptable documentation from the City of Virden's Water Department or another water utility provider showing that the real estate did not receive and consume water utilities starting on January 1 through December 31 of the calendar year immediately preceding the year in which the User seeks the Unoccupied Property Credit. "Acceptable documentation" means certified copies of water utility bills for the applicable months or a letter on utility letterhead demonstrating that the real estate did not receive and consume water starting on January 1 through December 31 of the prior calendar year; and

d) Include the property owner's contact information and signature.

If a User files an Appeal with the District by the deadline contemplated by this subsection, the District's Board of Trustees shall hear the dispute at its next regularly scheduled meeting held after the Appeal is filed. At said meeting, the Board of Trustees shall hear all evidence and statements on behalf of the User, together with all statements and evidence submitted by the staff and such professional consultants to the District as its Board of Trustees may authorize and request. For purposes of this subsection, the "statements and evidence" submitted by the staff and professional consultants of the District may include, without limitation, evidence, audits, or reports which the District relied upon by the District Plant Manager to make the determination that is being challenged.

Any hearing before the District's Board of Trustees with respect to an Appeal shall be presided over by the President of the District's Board of Trustees and who shall hear testimony and accept any evidence and argument relevant to whether the determination of the

District Plant Manager should be affirmed or reversed. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Section. At such a hearing, it shall be the User's burden to show clear and convincing evidence that the written determination of the District Plant Manager should be reversed.

No hearing before the District's Board of Trustees with respect to an Appeal may be continued except in cases where a continuance is absolutely necessary to protect the rights of the User. Lack of preparation shall not be grounds for a continuance. Any continuance of such a hearing that is authorized by the Board of Trustees shall not exceed 25 days. The case of the District may be presented by an attorney designated by the District. The case for the User may be presented by the User or his or her attorney. If on the date set for hearing the User or his or her attorney fails to appear, the President of the District's Board of Trustees may find the User in default and shall proceed with the hearing and accept evidence relevant to whether the written determination of the District Plant Manager should be affirmed or reversed.

At the conclusion of said hearing, the District's Board of Trustees shall make a determination on the basis of the evidence presented whether to affirm or reverse the determination of the District Plant Manager. This determination shall be in writing and be designated as findings, decision, and order. The findings, decision, and order shall include: (i) the District's Board of Trustees' findings of fact; (ii) a decision of whether the determination of the District Plant Manager is unjust, unreasonable, or unauthorized by this Ordinance; and (iii) an order that the determination of the District Plant Manager is affirmed or reversed. A copy of the District's findings, decision, and order shall be sent via first class mail to the User within 5 days after it is issued. The findings, decision, and order of the District's Board of Trustees shall be final and binding, and subject to judicial review in the

circuit court of the county in which any part of the hearing was held or where the property at issue is located.

During the pendency of a review or appeal with respect to an Unoccupied Property Credit Petition, the User shall continue to pay the user charge rate in effect prior to the User filing the Petition. If the determination of the District's Plant Manager is reversed, then the District shall reimburse the User for the amount paid.

If, upon prosecution for any violation of this Ordinance or upon suit for collection of charges due under this Ordinance, the court specifically finds that the owner, occupant, or another User who consumed sanitary sewerage services from the District violated this Ordinance or failed to pay any amounts accurately calculated to be due without just cause or right, the court may tax the owner, occupant, or other User with the reasonable attorney fees of the District in the prosecution of such violation, suit for collection, or to foreclose of any lien encumbering real estate receiving sewerage services from the District.

Section 6. Miscellaneous. Each User will be notified by the District in conjunction with a regular bill of the rate and that portion of the user charges or Ad Valorem taxes which are attributable to wastewater treatment services. The Illinois Environmental Protection Agency ("IEPA") or its authorized representative shall have access to any books, documents, papers and records of the District which are applicable to the District system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of any State Grant.

Section 7. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 8. Repeal & Savings Clause. All ordinances or parts thereof, motions or orders of the District in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the District prior to the effective date of this Ordinance.

Section 9. Effective Date. This Ordinance shall be in full force and effect ten (10) days after its publication as provided by 70 ILCS 2405/5.

SO ORDAINED this 20th day of October 2026, at the Virden Sanitary District, Sangamon and Macoupin Counties, Illinois.

	YES	NO	ABSENT	PRESENT
BALL	X			
LAIR	X			
PRATT	X			
TOTAL	3			

VIRDEN SANITARY DISTRICT:

__*SIGNED ELECTRONICALLY*_ original on file
Kim Ball, President
Board of Trustees
Virden Sanitary District, Macoupin and
Sangamon County, Illinois

Attest:

__*SIGNED ELECTRONICALLY*_ original on file
Lanny C. Pratt, Clerk
Virden Sanitary District, Macoupin and
Sangamon County, Illinois

(SEAL)

EXHIBIT A

TABLE 2 – PROPOSED SEWER RATES

RATE	2026	2027	2028	2029	2030
SENIOR RESIDENTIAL (<2,000 gal/month)	$27.00	$27.81	$28.64	$29.50	$30.39
STANDARD RESIDENTIAL (all consumption levels) and LOW-USE NON-RESIDENTIAL (<2,000 gal/month)	$37.84	$38.98	$40.14	$41.35	$42.59
MEDIUM-USE NON-RESIDENTIAL (2,000 gal/month to 15,000 gal/month)	$59.80	$61.59	$63.44	$65.35	$67.31
HIGH-USE NON-RESIDENTIAL (>15,000 gal/month)	$294.70	$303.54	$312.65	$322.03	$331.69
SUNRISE SKILLED NURSING AND REHAB	$3,623.80	$3,732.51	$3,844.49	$3,959.82	$4,078.62

EXHIBIT B

VIRDEN SANITARY DISTRICT

SENIOR RESIDENTIAL RATE APPLICATION FORM

NOTICE:
To be eligible for the senior residential rate, the residential Account Holder must provide verification that they are 65 years or older and that their monthly water usage is less than 2,000 gallons. The Account Holder shall be required to attach and submit a copy of a valid government-issued form of identification as well as documentation showing proof of water consumption for no less than the previous 6 months as essential components of this application. This form and supporting documentation shall be submitted annually between November 1st and December 31st in order to maintain senior residential rate status the following calendar year.

ACCOUNT HOLDER NAME: _____

STREET ADDRESS: _____

ACCOUNT HOLDER DATE OF BIRTH: _____

AVERAGE WATER CONSUMPTION
OF PREVIOUS 6 MONTH PERIOD: _____

SIGNATURE OF ACCOUNT HOLDER: _____ **DATE:** _____

EXHIBIT C

VIRDEN SANITARY DISTRICT

MEDIUM-USE NON-RESIDENTIAL RATE APPLICATION FORM

NOTICE:
To be eligible for the medium-use non-residential rate, the non-residential Account Holder must provide verification that their monthly water usage is between 2,000 gallons and 15,000. The Account Holder shall be required to attach and submit documentation showing proof of water consumption for no less than the previous 6 months as an essential component of this application. This form and supporting documentation shall be submitted annually between November 1st and December 31st in order to maintain medium-use non-residential rate status the following calendar year.

ACCOUNT HOLDER NAME: _____

STREET ADDRESS: _____

AVERAGE WATER CONSUMPTION
OF PREVIOUS 6 MONTH PERIOD: _____

SIGNATURE OF ACCOUNT HOLDER: _____ **DATE:** _____

EXHIBIT D

VIRDEN SANITARY DISTRICT

LOW-USE NON-RESIDENTIAL RATE APPLICATION FORM

NOTICE:
To be eligible for the low-use non-residential rate, the non-residential Account Holder must provide verification that their monthly water usage is less than 2,000 gallons. The Account Holder shall be required to attach and submit documentation showing proof of water consumption for no less than the previous 6 months as an essential component of this application. This form and supporting documentation shall be submitted annually between November 1st and December 31st in order to maintain low-use non-residential rate status the following calendar year.

ACCOUNT HOLDER NAME: _____

STREET ADDRESS: _____

AVERAGE WATER CONSUMPTION
OF PREVIOUS 6 MONTH PERIOD: _____

SIGNATURE OF ACCOUNT HOLDER: _____ **DATE:** _____

STATE OF ILLINOIS)

) SS.

COUNTY OF _____)

AFFIDAVIT

I, _____, of _____, Illinois, being first duly sworn, upon my oath state the following:

1. I am an adult and I reside and/or am the owner of record of the property located at _____(the "Property").

2. I have personal knowledge of the facts stated in this Affidavit.

3. The Property is identified by the Virden Sanitary District as account number _____, PIN #:_____.

4. No water utility service was connected to the Property through a water utility connection during the period from January 1, 20___, through December 31, 20____.

5. No water entered the Property during the period from January 1, 20___, through December 31, 20____.

6. No water consumption was recorded for the Property during the period from January 1, 20___, through December 31, 20____.

7. The Property was [vacant/under construction/not occupied/other description] during the period from January 1, 20___, through December 31, 20____.

8. I have not requested or authorized the connection of water utility service to the Property during the period from January 1, 20___, through December 31, 20____, and will not request or authorize the connection of water utility service to the Property during the period from January 1, 20___, through December 31, 20____.

9. I submit this Affidavit to the Virden Sanitary District in support of my request for a billing credit for sanitary sewer charges assessed to the Property during the period from January 1, 20___, through December 31, 20____.

10. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

SIGNATURE:_____

Subscribed and sworn to before me this _____ day of _____ 20____.

_____

Notary Public