

**FLAGG CREEK WATER RECLAMATION
DISTRICT, ILLINOIS**

CODE OF ORDINANCES

AMERICAN LEGAL PUBLISHING CORPORATION

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In the publication of this code, every effort was made to provide easy access to law by district officials, the citizens of this municipality and members of the business community.

We want to express our grateful appreciation to all officials for their untiring efforts in the preparation of this code.

AMERICAN LEGAL PUBLISHING CORPORATION

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President

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CHAPTER 1: DEFINITIONS

CHAPTER 1: DEFINITIONS

(A) The following words, expressions and terms used in this chapter and subsequent ordinances hereinafter enacted shall be defined and construed to mean as follows.

(B) The definitions found in the following source documents are hereby incorporated by reference:

(1) State Pollution Control Board Rules and Regulations, 35 Ill. Adm. Code §§ 301.200 et seq., definitions;

(2) State statutes and regulations pertaining to water pollution;

(3) Recommended Standards for Wastewater Facilities (current edition or most recent edition) revised edition and all addenda to date;

(4) Federal regulations enacted pursuant to the Code of Federal Regulations Title 40 - Protection of the Environment, Chapter 1 - Environmental Protection Agency, Subchapter D - Grants, Part 35 - State and Local Assistance, and being 40 C.F.R. §§ 35.001 et seq.;

(5) Standard Specifications for Water and Sewer (current edition or most recent edition); and

(6) In matters not specifically involving divisions (B)(1) through (B)(4) above or where necessary to integrate the foregoing into the District's ordinances, the following District definitions shall be applicable.

ARTICLE I. DEFINITIONS

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABNORMAL FLOW RATE CHARACTERISTICS. Any flow rate characteristics which have a greater intensity than the limits set forth herein as normal.

ACTIVE INTERIOR RECOVERY DEVICE (AIRD). An active automatic separator and remover of grease, fats and oils from effluent or wastewater discharge that cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing an electromechanical apparatus to accomplish removal.

AGENCY. The Environmental Protection Agency, as established under the Environmental Protection Act. The initials *EPA* shall also refer to the **AGENCY**. The definition shall refer to the state agency unless there is specific reference to the federal agency in word or context.

AMMONIA NITROGEN. A measurement of the amount of ammonia, a pollutant found in sewage and other liquid organic waste products.

APARTMENT BUILDING. A building or structure, the primary purpose of which is to provide apartment units for individual families or persons. (A combination building may have more than one use, one of which can be apartment use; that is, housing families or individuals in apartment units.)

APARTMENT UNIT - APARTMENT BUILDING. The individual living unit within the apartment building, including efficiency units, one-bedroom, two-bedroom, three-bedroom or more bedroom units. It is a unit intended to be occupied by not more than one family.

BASIC UNIT OF MEASURE FOR USER CHARGE PURPOSES. The **EQUIVALENT FAMILY UNIT**, as defined in the ordinances of the District, to wit: 350 gallons per day emanating from 10,000 square feet of land (normal flow rate characteristic as defined below), the chemical constituency of which is set forth herein. The several family units are defined under **FAMILY UNITS**.

B.O.D. (denoting **BIO-CHEMICAL OXYGEN DEMAND**).

(1) The quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in parts per million (ppm) by weights.

(2) A measurement of the organic strength of wastes in water. The measurement is utilized by treatment plant staff to determine the strength of incoming wastewater and the removal efficiency in the treatment plant effluent.

BIOLOGICAL PORTIONS OF THE TREATMENT PLANT. Any portion of the treatment plant which depends for its proper operation upon living micro organisms. Such portions are also referred to as **SECONDARY TREATMENT FACILITIES**.

BOARD OF LOCAL IMPROVEMENTS. The Flagg Creek Water Reclamation District Board of Local Improvement.

BOARD OF TRUSTEES or **TRUSTEES.** The Board of Trustees of the Flagg Creek Water Reclamation District.

BUILDING. Any structure consisting of a roof and walls intended to house living units or a commercial, industrial or warehouse endeavor, or a hospital, school or other eleemosynary or religious use. Specific subcategories of **BUILDINGS** shall include residential single-family, residential apartment, commercial, warehousing, office, industrial, religious, charitable, eleemosynary and hospital. This definition is intended to include all buildings of all types.

BUILDING DRAIN. The part of the drainage piping of the drainage system inside of a building and above the bottom floor line which receives the discharge from soil waste and other drainage pipes inside a building and projects through the foundation wall or footing of the building to a point not more than five feet beyond the building and which conveys said discharge to the building sewer.

BUILDING SEWER. Any pipe extension from the building drain to the lateral sewer tributary to the works of the system, whether the sewer shall be an interceptor or a lateral sewer.

CAPACITY STUDY. A study by a registered professional engineer consultant or a staff person working under the supervision of a registered professional engineer on the District staff, the purpose of which is to determine the remaining dry weather flow capacity of any component of the sewage collection system of the District.

CLEAN-OUT. A pipe that extends from the ground surface to the interior of the exterior grease recovery system, so as to allow access, maintenance and inspection of the interior of the device.

COLLECTION SYSTEM. All publicly-owned sewers and conduit tributary to any plant operated by the District.

COMBINED SEWER. Any sewer receiving wastewater and land run-off.

COMPENSATION. The compensation from time to time authorized to be paid to the members of the Board of Local Improvements from the District General Fund by the applicable statutes of the state.

COMPOSITE CONNECTION CHARGE. The connection charge authorized by statute, made by the District through its ordinances and resolutions for connection of users, directly or indirectly, to the sewers which are tributary to the main plant of the District, or which are tributary to any other treatment plant operated by the District. Such charge shall be comprised of the amounts calculated by the District in accordance with the ordinances and resolutions of the District relating to the constituent parts of the works of the system, including such of the treatment plant, interceptors, laterals, special facilities, the engineering study of the plans submitted to the District at the time of application for permit to connect and the inspection of the installation of the pipes or conduit necessary for connection as in each individual case are applicable. ***COMPOSITE CONNECTION CHARGE*** definitions are as follows.

(1) ***INSPECTION CHARGE.*** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for inspection of drainage lines to determine whether they are adequate and suitable for connection to the District system and to further assume that the connection is properly made to the District system in accordance with the ordinances, resolutions, rules and regulations of the District.

(2) ***INTERCEPTOR CHARGE.*** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for construction, expansion and extension of that portion of the works of the system known as the interceptor system. This charge shall be divided into two parts and one or both parts may be applicable:

Flagg Creek Water Reclamation District - Definitions

(a) **BASIC INTERCEPTOR CHARGE.** The portion of the interceptor charge calculated on the basis of one equivalent family unit on a parcel of land of not less than 5,000 square feet; and/or

(b) **ADDITIONAL INTERCEPTOR CHARGE.** The portion of the interceptor charge calculated on the basis of one family unit on a parcel of land less than 5,000 square feet, or a group of equivalent family units each of which has allocated to it less than 5,000 square feet of land.

(3) **INTERCEPTOR CHARGE.** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for construction, expansion and extension of the portion of the works of the system known as the interceptor. The charge shall be divided into two parts and one or both parts may be applicable:

(a) **BASIC INTERCEPTOR CHARGE.** The portion of the interceptor charge calculated on the basis of one family unit on a parcel of land of not less than 5,000 square feet; and/or

(b) **ADDITIONAL INTERCEPTOR CHARGE.** The portion of the interceptor charge calculated on the basis of one family unit on a parcel of land less than 5,000 square feet or a group of equivalent family units each of which has allocated to it less than 5,000 square feet of land. Credit shall be given against such charge for all principal sums paid on the 1969 General Obligation Bond issue attributable to the interceptor serving the parcel seeking connection.

(4) **LATERAL CHARGE.** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for construction, expansion and extension of the portion of the works of the system known as the lateral sewer system. The charge shall be divided into two parts and one or both parts may be applicable:

(a) **BASIC LATERAL CHARGE.** The portion of the lateral charge calculated on the basis of one equivalent family unit on a parcel of land of not less than 10,000 square feet; and/or

(b) **ADDITIONAL LATERAL CHARGE.** The portion of the lateral charge calculated on the basis of one family unit on a parcel of land less than 10,000 square feet, or a group of equivalent family units each of which has allocated to it less than 10,000 square feet of land.

(5) **LEGAL REVIEW CHARGE.** The charge calculated in accordance with this Ordinance for review of legal documents submitted to the District.

(6) **LOCAL INTERCEPTOR CHARGE.** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for construction, expansion and extension of the system related to interceptors other than the main interceptor system.

(7) **PLAN REVIEW CHARGE.** The charge calculated in accordance with this Ordinance for review of plans submitted to the District.

(8) **PLANT CHARGE.** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for construction, expansion and extension of that portion of the works of the system known as the main treatment plant.

(9) **SEWER EXTENSION CHARGE.** The charge for connecting local interceptor or lateral sewers to the works of the system.

(10) **SPECIAL FACILITIES CHARGE.** The charge calculated in accordance with the provisions of this Ordinance, as authorized by 70 ILCS 2405/7, for construction, expansion and extension of the portion of the works of the system known as a special facility. The charge shall be divided into two parts and one or both parts may be applicable:

(a) **BASIC SPECIAL FACILITIES CHARGE.** The portion of the special facilities charge calculated on the basis of one equivalent family unit on a parcel of land of not less than 10,000 square feet; and/or

(b) **ADDITIONAL SPECIAL FACILITIES CHARGE.** The portion of the special facilities charge calculated on the basis of one family unit on a parcel of land less than 10,000 square feet or a group of equivalent family units each of which has allocated to it less than 10,000 square feet of land.

COMPOSITE CONNECTION CHARGE SURCHARGE. The amount calculated under Chapter 12, over and above the composite connection charge as calculated as set forth in Chapter 19.

COMPOSITE SAMPLER/24 HOUR. A sampling device capable of being installed in a manhole in the building service line of a structure used for industrial purposes as defined herein, and capable of taking timed and/or flow proportion wastewater samples of the flows from the building service lines for removal and testing over a continuous period.

CONNECTION. The attachment of any building or structure to any conduit, lateral sewer, combination sewer or interceptor sewer which carries sewage and/or industrial waste into any sewer, the flow of which is ultimately processed by the main treatment plant of the District or by another treatment plant owned and/or operated by the District as an integral part of its sewage treatment system. **CONNECTION** shall also mean the increase of burden imposed upon the District by a user or building, structure or complex above and beyond that for which the composite connection charge has been paid and a connection permit has heretofore been issued; however, in the case where there is no additional physical connection to the District system and there is no modification to the plumbing system, no such increase shall be considered to be a connection for the assessment of charges unless for at least one year the water usage measurements as delineated on the District's sewer service charge billing indicates a consistent increase in flow of at least 1% above the flow specified in the most recent connection permit for said building or group of commercial buildings (building complex).

CONNECTION PERMIT. A permit for which the composite connection charge has been paid which has been issued by the District authorizing the permittee to:

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(1) Connect a residence, structure, building or building complex to the works of the system, either directly or indirectly. Except in the case of a single-family residence, the permit shall entitle the permittee to discharge into the sewage system up to the quantity of flow, based upon water meter readings for water delivered to the building, or building complex specified in the resolution of the District establishing the composite connection charge and for which the composite connection charge has been paid and a connection permit has been issued. Such a permit may be referred to variously as the connection permit, the original connection permit, the existing permit, the previous permit or the required permit; and

(2) Increase the permitted flow from the building, structure or building complex beyond that which the existing connection permit authorizes for said permittee.

CONSTRUCTION PERMIT. A permit issued by the District permitting construction of a structure, building or a group of buildings within the territory of the District which will ultimately connect, directly or indirectly, to the works of the system.

CONTROL MANHOLE. A manhole structure, located downstream of a grease interceptor, designed and constructed to provide access to a sewer for sampling and metering commercial wastes discharged to a public sewer. For existing FOG producing facilities, where no **CONTROL MANHOLE** exists or has been installed, the **CONTROL MANHOLE** shall be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

CORPORATE AUTHORITY. The Board of Trustees acting in its official capacity at a duly convened meeting.

COST OF OPERATION, MAINTENANCE AND REPLACEMENT. Every conceivable cost associated with the functioning of the works of the system, including depreciation but excluding funds for construction, plant improvement and acquisition, and also excluding general obligation bond debt service and public benefit funds relating to special assessments, as authorized by 70 ILCS 2405/22a1.

COST STUDY DEPOSIT. The sum required by the District to be deposited by a composite connection charge surcharge applicant to defray the cost of the capacity study, hearing and incidental costs to the District.

DECLARATION OF USEFUL LIFE. The declaration of the Board of Trustees as to the useful life of each and every component of the works of the system, as declared by resolution of the Board of Trustees, from time to time, until such declaration is made the useful lives shall be as set forth in the Internal Revenue Service rules and regulations related to the modified accelerated cost recovery system (MACRS).

DEDICATION OF SEWERS TO PUBLIC USE. The legal effect of the placing of any sewer pipe by any person or legal entity in public right-of-way or in easements granted generally to the public or to the District or any municipality.

DEFERRED PAYMENT LIEN AGREEMENT. A written document which enables any person connecting on to the District system to segment the payment of any charges provided for by District ordinances and which constitutes a lien upon the land in the amount of the unpaid portion of such charges.

DEVELOPER. The person or persons designing and/or building a project.

DEVELOPMENT. Any building or group of buildings and/or structures constructed or existing within or without the District served by any portion of the works of the system.

DIRECTOR. The Executive Director of the Flagg Creek Water Reclamation District, or his or her designated agent or representative.

DISTRICT. The Flagg Creek Water Reclamation District of the Counties of DuPage and Cook and the state.

DISTRICT ENGINEER. The duly appointed and qualified engineer of the District.

DISTRICT SEWER. Any sewer tributary, directly or indirectly, connected to a treatment plant owned or operated by the District, and shall include all manholes, intercepting chambers, pipe or conduit and other appurtenances connected therewith.

(1) ***INTERCEPTOR.*** A sewer line serving one or more lateral sewer systems.

(2) ***LATERAL SEWER SYSTEM.*** Any local collector system serving mainly a given area.

DOMESTIC WASTE. Chemically described as water containing the following characteristics: biological oxygen demand 300 mg/L and suspended solids 350 mg/L. ***DOMESTIC WASTE*** shall mean water carrying human and related waste from any source together with associated land run-off.

DOWNSTREAM FACILITIES. All pipes, conduits, lift stations, lateral sewers, interceptor sewers and the main treatment plant which are on the plant side or downstream from the point of connection.

DRAIN LAYER. Any person who has made application to the District for a permit to lay drains and who has filed with the District his or her performance bond guaranteeing the performance of the laying of drains in accordance with the ordinances of the District, and who is otherwise qualified to lay such drain. A plumber, as well as other qualified persons experienced in drain laying, may obtain a drain layer's permit.

DRAINAGE FIXTURE UNIT (DFU). A value used to determine the required drainage capacity from the fixtures and their service systems, as defined in the State Plumbing Code.

DRY WEATHER FLOW. The amount of flow within any component of the sewage collection system which is the normal flow after five days without rain or, in the case where there is snow on the ground, seven days without a thawing temperature of 32 + °F or more degrees above zero.

EFFLUENT T-PIPE. A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery of water located under the layer of fats, oils and/or grease to be discharged.

EMPLOYEE. Any person formerly or presently employed by the District.

ENVIRONMENTAL PROTECTION ACT. The Act of the legislature in the state, commonly referred to as the Environmental Protection Act, being 415 ILCS 5/1.

EQUIVALENT FAMILY UNIT.

(1) A unit for other than residential use calculated by estimating the average per capita per day use by a particular user and converting the estimated use to the equivalent of a family unit as defined herein. In making said calculation per capita per day use of facilities, normal flow, peak load flow, duration and times of occurrence throughout the 24-hour day shall be considered. At the date of enactment of this Ordinance, 350 gallons per day is equivalent to a family unit for all purposes except plant and sewer design.

(2) Volumetric discharge 350 gallons per day for a single-family residence shall apply to the collection of composite connection charges for commercial developments. For example, if a commercial development wants to connect to the District's collection and treatment system and nominates that they plant to discharge 3,500 gallons per day, their composite connection charge would be ten times the connection charge of a single-family residence.

EQUIVALENT FAMILY UNIT FOR RESIDENTIAL PURPOSES. Means and is equivalent to the P.E. set forth:

- (1) Single-family residence: 3.5 P.E.;
- (2) Efficiency or studio apartment: 1 P.E.;
- (3) Apartment unit: 3 P.E.;
- (4) Each separate unit of a duplex building: 3.5 P.E.;
- (5) Each separate unit of a two-flat building: 3.5 P.E.; and
- (6) Each mobile home site: 2.25 P.E.

EXCESS FLOW SURCHARGE. A surcharge which is added to the sewer service bill in such amounts as are authorized herein for the purpose of inducing the user, or permittee to either come within the GPDPA flow limits or to seek a variation and if such variation is granted, to seek an adjusted permit so as to remain within the adjusted flow limits.

EXCESS FLOWS.

(1) Sewage flows which exceed the permitted flow specified in the connection permit and/or the resolution of the Board of Trustees establishing the composite connection charge and authorizing connection.

(2) Sewage flows with a chemical constituency not authorized by the connection permit.

EXCESSIVE INFILTRATION/INFLOW. The quantity of infiltration/inflow which can be economically eliminated from a sewerage system by rehabilitation, as determined in a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions to the total costs for transportation and treatment of the infiltration/inflow.

EXECUTIVE DIRECTOR. The person appointed by the Board to be the administrator of the District.

FCWRD. Flagg Creek Water Reclamation District, formerly known as the Hinsdale Sanitary District.

FLAT RATE CHARGE. The charge for all users connected to the works of the system whose water supply does not flow through a water meter and provided that the wastewater strength does not exceed those limits set forth herein for domestic waste. The charge shall be fixed in the annual user charge budget for the District. Estimates shall be made as required by the Executive Director of the District and shall be approved by the Board of Trustees.

FLAT RATE WATER USE/ESTIMATED (USER CHARGE ONLY). The water estimated to be used for user charge purposes, or to have been used, by a building or structure not equipped with a water meter. Such estimate shall be based upon the District’s analysis of comparable structures with similar uses and similar numbers of occupants. Until establishment of further standards, the **FLAT RATE WATER USE** for the following domestic waste users shall be as is set forth hereinafter:

Single-family residence	350 gallons per day
Apartment under 2 bedrooms	125 gallons per day
Apartment 2 bedrooms and over	350 gallons per day
Commercial buildings, dental buildings, medical buildings and other structures	As estimated by the Executive Director of the District, in writing, submitted and approved by the Board of Trustees of the District at the time of issuance of the permit or any time thereafter

FLOOD PLAIN LANDS. Any land or lands known by the District to have been subject to flooding during periods of high water level or declared by the District in its ordinances or resolutions to be flood plain lands.

FLOW METER. A fluid measuring device approved by the District capable of being installed in a manhole in the building service line of a structure used for industrial purposes as defined herein, and capable of registering continuous 24-hour flow rates on a detachable chart for a seven-day period.

FOG. Fats, oils, greases, starch, proteins, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other materials from animal, vegetable and petroleum origins. **FOG** may originate from discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease containing materials may exist.

FOG PRODUCING FACILITY. A food processing, food sales or food service facility, as hereinafter defined.

FOOD. Any raw, cooked, processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, barter or exchange, in whole or part for human consumption.

FOOD PROCESSING FACILITY. A commercial facility in which food is manufactured or packaged for human consumption. The term does not include a food service facility, retail food store or commissary.

FOOD SALES FACILITY. A retail and/or wholesale grocery store(s); retail seafood store(s); food processing plants(s); bakeries; confectionaries; fruit, nuts and vegetables store(s); and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

FOOD SERVICE FACILITY. Any facility for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafés, luncheonettes, taverns, lunchrooms, places that manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending and operations connected therewith, and similar facilities by whatever named called or by whomever operated.

FRANCHISED PUBLIC UTILITY. A public utility company authorized to do business in the state by the State Commerce Commission and granted a franchised area by said Commission or by any municipality.

GALLONS PER DAY PER ACRE (GPDPA). Without a surcharge connection permit, the gallons shall be 3,000. If a surcharge connection permit is issued, the maximum discharge gallons per day permitted shall be as set forth in the resolution of the Board of Trustees authorizing the surcharge connection permit.

GARBAGE. The waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GARBAGE SHREDDED. The waste from preparation, cooking and dispensing of foods or from the handling and storage of produce that have been shredded to such a degree that all particles will be

carried freely under normal flow conditions in the sanitary sewer with no individual particle greater than one-quarter inch in any of its dimensions.

GRAVITY FLOW SEWAGE SYSTEM. A sewer system comprised of interceptors, both main and local, and lateral sewers, the flow of which is predominately by gravity as opposed to being pumped by lift or pumping stations.

GREASE INTERCEPTOR. A grease recovery system, located outside of the exterior walls of the building or structure, which contains baffles and sections sufficient to allow a proper separation of grease from water to prevent the entry of grease into the FCWRD sewer system, with a 500-gallon capacity or greater, unless otherwise permitted by the Executive Director. Includes a passive grease interceptor whose rated flow exceeds 50 gallons per minute.

GREASE RECOVERY SYSTEM. A system of interceptors, separators, traps or grease recovery devices, including active interior recovery devices (AIRDs), passive exterior devices (PEDs) and passive interior devices (PIDs), which prevents free floating grease, fats and oils from entering the sewage system by recovering and removing these substances from wastewater.

GREASE TRAP.

(1) A constructed device, and its appurtenant surfaces and working parts installed as an integral part of a private plumbing system, including the building drain and building sewer, having the intended function of removing fats, oils and grease from wastewaters before such wastewaters are discharged to sewers tributary to the works of the system. A special substance trap, as described in § 14-1.10, operating as a device collecting such substances shall automatically be included within the definition.

(2) A grease recovery system with a minimum liquid storage capacity of 50 gallons or more and which is located inside the building.

GREASE TRAP SLUDGE. The fats, oils, grease and other matter collected by any grease trap or substance trap installed in a regulated grease trap facility (defined below).

GREASE TRAP SLUDGE HAULER. Any person licensed and authorized by any agency of the state to remove and/or haul grease trap sludge.

GREASE-LADEN WASTE. Effluent discharge that is produced from food processing, food preparation or other commercial source where grease, fats and oils enter automatic dishwasher pre-rinse station, sinks or other appurtenances.

HAULER. A waste disposal or rendering business or firm, licensed by the State Environmental Protection Agency, that hauls and disposes of fats, oils and greases wastes, as described in this Ordinance.

HIGH STRENGTH WASTE DISCHARGER. A food processing, food sales or food service facility that discharges FOG, BOD or TSS in amounts higher than the discharge limits set forth in Appendix A in Chapter 37.

ILLEGAL CONNECTIONS. Includes making of connections without payment of proper composite connection charges; making of connections without a proper permit; making of connections when the premises served are not within the corporate boundaries of the District and no agreement has been entered into between the District and the owners of the parcel so connecting; making connections with materials not approved by the District in accordance with the ordinances of the District; covering of any connections so made prior to inspection by the District; and any other substantial violation of the general ordinances of the District or failure to comply with the terms of any specific ordinance of the District applicable to the premises sought to be charged with an **ILLEGAL CONNECTION**.

IN-BULK. The situation when the District has a customer (whether a satellite community or other legal entity) from whom or which it collects sewage effluent which flows from one or more individual buildings into the sewage system owned by the customer and to which the District renders only one user charge billing for the gross flow which the District collects.

IN-BULK CHARGE. The user charge billing which the District renders to the “in-bulk” customer for the services which the District renders by collection of sewage flows from the sewage system owned and operated by the in-bulk customer.

IN-BULK CUSTOMER. The satellite community or other legal entity from which the District accepts an “in-bulk” discharge of flows.

INDUSTRIAL COST RECOVERY SYSTEM/ICRS. The meaning set forth in the federal grant regulations referred to above.

INDUSTRIAL USERS. All users of District facilities other than single-family residential users and other than multi-family residential users, except where multi-family users share a common sewer connection with non-residential users, it shall be considered as an **INDUSTRIAL USER**.

INDUSTRIAL WASTE. Any liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development, processing or recovery of any natural resources or which have higher concentration of chemical constituents which are either not found in domestic waste or where the flow rate characteristics are abnormal.

INFILTRATION. Water, other than wastewater, that enters a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections or manholes. **INFILTRATION** does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW. Also sometimes referred to as **I&I**, **I/I** shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

INFILTRATION/INFLOW SURCHARGE. An addition to the normal user charge, which is required by federal case law or statutory law, to be added proportionally to all user charge bills which are rendered for properties connected to a sanitary sewer system to reimburse the District for the excess costs which the District suffers as a result of the cost of collection, conveyance and treatment of such infiltration/inflow waters which enter into the Districts sewer system as a result of the connection thereto of any sewer, combined or not combined, directly or indirectly, into the District's collection system. The formulae for such surcharge shall be established in any ordinance assessing such a surcharge.

INFLOW/FEDERAL. The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and combined sewers; catch basins; storm waters; surface run-off; street wash waters; or drainage. ***INFLOW*** does not include, and is distinguished from, infiltration.

INLET. Any opening, the flow from which enters the collection system of the District.

MANIFEST. A log or document record of the hauler name, address and state license/permit number, and the volume, date of removal and disposal destination of pumped materials or wastes from a grease recovery system. (See 415 ILCS 5/22.30(d) and (e).)

MEDICAL-COMMERCIAL OFFICE BUILDINGS. All office buildings for medical doctors and/or dentists where special equipment using water is utilized, or where there are numerous examining rooms and/or more than the ordinary number of plumbing fixtures or toilets and lavatories per floor.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEWLY CONSTRUCTED. Any new FOG producing facility that has not been issued a final certificate of occupancy by the governing county or municipal building official as of the effective date of this Ordinance 821.

NORMAL FLOW RATE CHARACTERISTICS. No more than 15% of the total daily flow of the user within any single hour or 50% thereof within any five-hour period, and shall further mean flows not exceeding the chemical constituency as set forth herein for domestic waste.

NPDES STATE OF ILLINOIS PERMIT COST PASS ON CHARGE. The charge created by the District to allow the District to pass on to its users the cost to the District assessed by the state for issuance of the annual NPDES (national pollution elimination discharge elimination system) permit. Until further enactment by the Board of Trustees, such charge shall be incrementally added to the service availability charge for each user account on the basis of the total billed by the state divided by the number of user accounts (not individual users) of the District.

OCCUPANCY PERMIT. A permit issued by the Executive Director of the District for occupancy of any building or structure constructed in the District or outside of the District which is connected to District sewers, directly or indirectly.

OFFICIAL. Any former or present Trustee or Commissioner or officer of the District.

PACKAGE TREATMENT PLANT. Any arrangement of devices and structures other than a septic system on any property designed to treat sanitary wastes for which a construction and/or operation permit has been issued by the Agency or its predecessor, the Sanitary Water Board, provided such system is not owned by the District.

PASSIVE EXTERIOR DEVICE (PED). A FOG/water separating container that requires pumping and is housed outside a building or structure. A passive interceptor with no moving parts with a rated flow of greater than 50 gallons per minute.

PASSIVE INTERIOR DEVICE (PID). A FOG/water separating container that requires normal manual cleaning, by pumping or bailing, and is housed inside a building or structure. A passive interceptor with no moving parts with a rated flow of 50 gallons per minute or less that serves as fixture trap and is located inside a building. This is commonly referred to as a grease trap.

PERMIT. Any or all of the following as the context requires:

(1) **CONNECTION PERMIT.** A permit which authorizes the underground installation of a building sewer connected to a District sewer and after inspection thereof, connection of the building, structure or building complex to the building sewer;

(2) A modified or supplementary connection permit;

(3) A permit allowing construction of a sewer line or other facility which will become a part of the works of the system;

(4) A permit to disconnect a structure, building or complex from an existing building sewer tributary to the District system; and

(5) A permit to open manholes on any district sewer for inspection.

PERMITTEE. All of the following:

(1) The applicant for the connection permit;

(2) The owner of the building at the time of application for a connection permit, provided that such permit was issued;

(3) The successor in interest to the permittee, who was the owner at the time of original application, and which successor owns the building, structure or building complex at the time of concern under this Ordinance;

(4) Where the title of the property in question is held in a land trust, it shall mean the land trust and it shall also mean the beneficiary of the land trust; and

(5) Where reference is made to permittee, user, building, structure or building complex in a context related to flow such terms are interchangeable with permittee as the context requires.

PERIODIC CHARGE. Any charge charged by the District, weekly, monthly, quarterly or yearly.

PERMITTED WASTE HAULER. A hauler that has demonstrated capability to maintain required records, to discharge waste according to all applicable rules and regulations and is fully licensed to haul FOG waste.

PERSON. The same as **PERSONS**, as defined below and the following additional meanings in the context of Chapter 14 as amended: any one or more or all of the following to whom Chapter 14 shall apply by its context, general contractor or plumbing subcontractor; building, structure or facility owner, operator and/or manager, business owner operator and/or manager; landlord; tenant; owners of a beneficial interest in a land trust, contract purchaser; corporate officers and partners; and their agents, any of whom have knowledge that a building, structure or facility served by District sewers or sewers tributary to the works of the system will be used in full or in part for the manufacture, processing or preparation of food or food products or other process or processes which discharge fats, oils, grease and other matter which might be collected by any grease trap or substance trap. The categorized persons or entities and their employees and agents shall be deemed to be the persons regulated by Chapter 14 as amended.

PERSONS. Any individual and shall also include and apply to any partnership, association, corporation or other legal entity.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PHASE OUT CONNECTION. The connection to the main treatment plant system which occurs whenever any other treatment plant or any special facility owned or operated by the District, including, but not limited to, a lift station or package treatment plant, is phased out of operation in total or in part, and supplemented or eliminated by the connection, either directly or indirectly, of an interceptor sewer which is tributary to the main treatment plant to the lateral sewer system formerly serviced in full or in part by such special facility. Said connection may be made, directly or indirectly, through valving or piping related to such special facility or otherwise; the making of such connection shall also constitute a simultaneous connection of all users of such special facility as though individual connections of each building or structure formerly served by such phased out facility as defined herein.

PLANT SUPERINTENDENT. The person responsible for the operation and maintenance of the District's treatment works and lift station systems.

POLLUTION. Such alteration of the physical, chemical or biological properties of any water of the District, or such discharge of any liquid, gaseous or solid substance into any waters in the District as will, or is likely to, create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare. The Board of Trustees hereby incorporates by reference under the definition of **POLLUTION** the definitions of **POLLUTION** approved by the state, Pollution Control Board or Environmental Protection Agency and heretofore or hereafter promulgated.

POLLUTION CONTROL BOARD. The Pollution Control Board, as established under the Environmental Protection Act. The initials ***PCB*** shall also refer to the ***POLLUTION CONTROL BOARD.***

POPULATION EQUIVALENT. For plant and sewer design shall mean a sewage flow of 350 gallons per day over a 24-hour period. Such term shall be used when referring to residential for composite connection charges. For the purposes of calculating development density, ***POPULATION EQUIVALENT*** shall mean the numerical factor assigned by the ordinance of the District, if any, and, if none, the technical flow data.

POPULATION EQUIVALENT PROJECTION. The Board of Trustees' estimate and allocation of capacity for future use based upon capacity as measured in population equivalents, as specified under family unit for residential users and as calculated on the basis of the technical flow data.

PRIVATE NON-RESIDENTIAL SEWAGE DISPOSAL SYSTEM. Any arrangement of devices and structures used for treating sewage on a parcel of land used for other than residential uses when the flow is under 1,500 gallons per day and which does not require State Environmental Protection Agency approval. A septic system is an example of such a system.

PRIVATE RESIDENTIAL SEWAGE DISPOSAL SYSTEM. Any arrangement of devices and structures used for treating sewage on an individual residential lot. A septic system is an example of such a system.

PRIVATE SEWAGE TREATMENT PLANTS. Any private sewage treatment system not publicly-owned comprised of an arrangement of devices and structures used for treating sewage for structures or buildings, or project with an excess of 1,500 gallons per day flow and requiring approval of the State Environmental Protection Agency.

PRIVATE WATER SYSTEM. A water supply system owned by other than a governmental unit or public utility. A privately-owned well is an example of such a system.

PROHIBITED CONCENTRATION. Discharges of wastewaters from a regulated grease trap facility in the District exceeding 100 mg/L (total) of fats, oils and grease in any sample, whether obtained as a composite or grab sample.

PROHIBITED SUBSTANCES. Fats, oils and grease in prohibited concentrations.

PROJECT. A development consisting of the construction upon or subdivision of lands for the purpose of construction thereon or construction of more than one single-family dwelling or one or more multi-family dwelling buildings, commercial, industrial or warehouse or combination buildings or other structures.

PROJECT PERMIT. A permit issued by the District which will authorize a project development within the service area of the District in accordance with plans approved by the District and the EPA where applicable. Such permit shall specifically authorize construction of sewer mains and special

facilities required for the project, but shall not constitute a permit to connect any building or group of buildings to the District system, directly or indirectly. Such permit may be issued only after the District and EPA, where applicable, approves the project.

PUBLIC-OWNED TREATMENT WORKS (POTW). May sometimes be known or referred to as a sewage treatment plant or wastewater reclamation facility or plant. The FCWRD owns and manages the McElwain Sewage Treatment Plant, located in Burr Ridge, Illinois.

PUBLIC SEWER. Any sewer installed in public right-of-way or in easements granted generally to the public or to the District or any municipality, and to which the owners of abutting property have the right to connect upon proper application and payment of the composite connection charges, and which is maintained, supervised or otherwise controlled by public authority including the District or any other municipality.

PUBLIC UTILITY SEWER. Any sewer installed at the expense of any franchised public utility.

PUBLIC WATER SYSTEM. A water supply system owned by a governmental unit or a public utility.

PUMP AND RETURN METHOD. The method of decanting or discharging removed waste back into the grease recovery system from which waste was removed or to any other grease recovery system or sewer connection.

RECOVERY PERIOD. Thirty years or the useful life of the works or the constituent parts of the works whichever is less. In absence of other life expectancy information, Internal Revenue Service rules and regulations related to the modified accelerated cost recovery system (MACRS) shall be used to ascertain its useful life.

REGULATED GREASE TRAP FACILITY. A place, whether inside or outside a building, including the parcel of real estate upon which it is located, excluding any building which is used solely for residential purposes, where there is an operation or process working which involves the manufacture, processing or preparation of food or food products and which discharges fats, oils, grease and other matter which would be collected by a grease trap or substance trap, if one had been installed.

REMODELED. Any facility that requires a building permit to make planned changes to an existing or a new FOG producing facility.

ROGUE SLUDGE HAULER. Any person removing or hauling grease trap sludge without having a valid grease trap sludge hauler's license or otherwise not authorized to haul such sludge or a grease trap sludge hauler who illegally disposes of grease trap sludge in contravention with this Ordinance 697.

SANITARY SEWERS. Sewers which are designed and constructed for the conveyance of sanitary sewage only.

SATELLITE COMMUNITY. Each individual village, town, city, 1917 Act and 1936 Act sanitary districts, being established under 70 ILCS 2405/ and 70 ILCS 2805/, respectively, or portion thereof or other distinct and separate unincorporated area, or area within any other sanitary district, but not necessarily the entire incorporated territory of such other sanitary district, the sanitary sewers from which, irrespective of the ownership thereof, the District collects domestic and/or industrial waste together with infiltration/inflow waters into its sewage collection system and conveys such flows to the District's treatment plant for treatment.

SERVICE AVAILABILITY CHARGE.

(1) Shall be:

(a) A flow based charge for all non-single family users connected, directly or indirectly, to the works of the system based upon total wastewater quantity discharge by each of such non-single family users; and

(b) A flat charge for all single-family residential users connected, directly or indirectly, to the works of the system.

(2) The incremental rate for such flow based charge and the flat charge shall be in such amounts as established by the Board of Trustees in the District's annual budgets. This charge is to partially cover the fixed costs of maintaining the works of the system in a state of readiness to serve the inhabitants of the District. Additional elements of the charge may be based on the unanticipated and unrecoverable costs of the operation and maintenance of the sanitary sewage collection and treatment system, expense of the user charge billing and handling and the operating expenses which are not solely flow or wastewater strength related. The charge shall be set by the Board of Trustees in the annual user charge budget for the District. Estimates of the service availability costs to the District shall be made by the Executive Director of the District and approved by the Board of Trustees by resolution in each budget year and, once made, shall remain in effect until amended by a subsequent budget or interim budget. The Board of Trustees may direct that other charges, such as the NPDES charge, be incrementally added to each user's service availability charge as a flat rate addition on the user charge bill for all users. The sum of \$0.35 per month shall be added to the service availability portion of the user charge billing.

SEVERANCE CHARGE. The charge made in addition to actual cost for disconnection for non-payment of periodic charges or composite connection charge or when an illegal connection is ascertained and severed.

SEWAGE COLLECTION SYSTEM. Any portion of the works of the system exclusive of the main treatment plant.

SEWAGE DISPOSAL. The disposing of sewage from any structure or building.

SEWER CONSTRUCTOR (NON-PUBLIC). A person or other legal entity licensed and bonded to construct sewers in the District.

SEWER CONSTRUCTOR (PUBLIC). A person or persons employed full-time by a municipality skilled in sewer building or laying.

SEWERAGE CHARGE. A revenue-producing charge to provide funds for the cleaning, maintenance, repairs, renewal and operation of the works of the system and where revenue bonds have been issued for debt service of such bonds. The charge shall be based on flow and may be divided into two categories:

(1) ***NON-RESIDENTIAL SEWERAGE CHARGE.*** The charge to all users other than residential users; and

(2) ***RESIDENTIAL SEWERAGE CHARGE.*** The charge to all residential users.

SIGNIFICANT INDUSTRIAL USER.

(1) A user who will contribute greater than 10% of the designed flow or the pollutant loading of the treatment works.

(2) Any FOG producer that requires an industrial wastewater discharge permit, issued by the FCWRD pursuant to applicable federal and state laws and regulations.

SLUDGE. Any material or solids, either organic or inorganic, that has settled to the bottom of the grease trap or interceptor.

SOLIDS TRANSFER/GREASE RECOVERY DEVICE. An active automatic pretreatment device, which macerates coarse solids and separates/recovers free floating grease, fats and oils from effluent. The device cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing electromechanical apparatus to accomplish recovery and removal.

SPECIAL FACILITY. Any of the following:

(1) Any equipment, device or combination thereof which is not normally found in a gravity-flow sewage system but is required for its effective use; and

(2) Any lift station or addition thereto, excluding the three major system lift stations located at Spinning Wheel Road, York Road and Chase Avenue.

STANDARD INTENSITY OF USE. An intensity of use of one family unit or one equivalent family unit per 10,000 square feet of land area.

STATE. The State of Illinois.

STORM WATER. The portion of rain, snow, sleet or hail which runs off of the surface or subsurface of the ground, streets, sidewalks, parking lots or from the roofs of buildings and other structures.

STORM WATER SEWER. Sewers which were designed and constructed for the purpose of carrying storm water only.

STRUCTURE. A human-made construction, other than a building, which is connected, or requires connection to, sanitary sewers or the construction of which alters the natural land condition and, due to such alteration, may cause a burden on the District works of the system.

SURCHARGE CONNECTION APPLICANT. The applicant for a permit, which, if issued, would permit the permittee to discharge effluent into the District sewage collection system at a rate in excess of 3,000 GPDPA, as established by the resolution of the Board of Trustees.

SURCHARGE CONNECTION PERMIT. A permit issued by the District, which permits the permittee to discharge effluent to the District's sewage collection system in excess of the 3,000 gallons per day per acre limit set forth in Chapter 11 as may be authorized by the Board of Trustees by resolution.

SURCHARGE CONNECTION PERMITTEE. The permittee, as defined in this Chapter 1, including the person or entity to which a surcharge connection permit has been issued or the owner of the property or the owner's successors in interest.

SUSPENDED SOLIDS. The solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

SYSTEM CAPACITY RELIEF FUND. The fund declared by the District to be the repository of any composite connection charge surcharges paid by permittees at the time of issuance of surcharge connection permits.

TEAR DOWN(S). The demolition of an older home or other structure and its replacement with a new structure, usually larger and with greater sewage effluent flow discharged to the District is constructed on the site or on several adjacent sites.

TOTAL DELIVERED FLOW AND/OR TOTAL COLLECTED FLOW. The total quantity of liquid volume, which is delivered to and collected by the District interceptor system at the site of the interconnection(s) of the District system with any sewage collection system, combined or not combined, which systems serves one or more of, a specific geographic area, a satellite community or portion thereof, a public utility or other legal entity.

TOTAL DELIVERED FLOW AND/OR TOTAL COLLECTED FLOW CHARGE. A flow based user charge which is charged to the applicable of a satellite community, a public utility or other legal entity, by the District for the collection, conveyance and treatment of the total quantity of liquid volume

which is delivered “in bulk” to and collected by the District interceptor system at the site of the interconnection(s) of the District system with any sewage collection system, combined or not combined, which systems serves one or more of, a specific geographic area, a satellite community, a public utility or other legal entity for which there are no user charge billings made to the individual residences or businesses contributing to such flow.

TREATMENT PLANT. Any sewage treatment plant owned, operated or maintained by the District, including all appurtenances connected therewith. **TREATMENT PLANT** shall be further defined by the following definitions by reference to a specific treatment plant owned or operated by the District:

(1) **MAIN PLANT** or **JOHN A. MCELWAIN III REGIONAL WATER RECLAMATION FACILITY.** The District sewage treatment plant, and any additions made thereto by; and

(2) **OAK BROOK TREATMENT PLANT.** The plant acquired from the Oak Brook Utility Company and any additions made thereto by the District.

TOTAL SUSPENDED SOLIDS (TSS). A measurement of the total amount of solids that float on the surface or are suspended in water. The measurement is utilized by treatment plant staff to determine the strength of incoming wastewater and the removal efficiency in the treatment plant effluent.

TWENTY FIVE PERCENT RULE (25% RULE).

(1) All grease recovery systems shall be cleaned based on the **25% RULE**.

(2) For example, if the total depth (TD) of an exterior grease interceptor is 40 inches, the maximum allowable depth (d) of floatable grease equals 40 inches multiplied by 0.25 or $d = TD \times 0.25 =$ ten inches. Therefore, the maximum allowable depth of floatable grease and settled sludge of the grease interceptor should not exceed ten inches.

UNIT OF MEASUREMENT shall be in thousands of gallons.

UN-PERMITTED FLOW. Any or all of the following:

(1) Flow emanating from a building, structure or building complex where no connection permit has been issued by the District and no composite connection charge has been assessed and/or paid;

(2) Flow emanating from a building, structure or building complex which is in excess of the authorized flow specified in the then existing connection permit and for which the composite connection charge has been paid; and

(3) Flows emanating from a building, structure or building complex with a chemical constituency not authorized by the connection permit.

UPSTREAM FACILITIES. All pipes, conduits, lift stations, lateral sewers and interceptor sewers, which are not on the plant side or downstream from the point of a particular connection under consideration.

USER.

(1) Shall mean the following:

(a) Those person(s) or entity(ies) having control and custody of the building, structure, premises or portion thereof contributing flow to the District system;

(b) Owners shall be considered users in addition to person(s) or entity(ies) having control and custody of the building, structure, premises or portion thereof contributing flow to the District system;

(c) Where, in a specific geographic area, the lateral and minor interceptor system is owned and operated by a satellite community or other non-individual legal entity and such system contributes flows to the District, and the District makes no individual billings to the persons or individual entities connected to the local lateral and minor interceptor system but make only a single user charge billing to such satellite community, such satellite community or other non-individual legal entity shall be deemed to the user; and

(d) Where a satellite community maintains a combined sewer system allowing storm and surface waters to enter herein, **USERS** shall mean in addition to the other applicable definitions, and in particular for infiltration/inflow surcharge purposes, those persons owning and/or occupying buildings within such community which are connected to the satellite community's sewage system.

(2) Classes of users:

(a) **DOMESTIC USERS.** A user who will introduce primarily segregated domestic wastes or wastes from sanitary conveniences;

(b) **INDUSTRIAL USER.** For both user charge system (UCS) and industrial cost recovery system (ICRS) shall mean all users as defined under the federal regulations and, in addition thereto, shall include those users whose flow rates bear characteristics which are abnormal from the District standards until further declaration by the Board of Trustees.

1. No building or structure discharging primarily domestic wastes (except as described in division (2)(b)2. below) shall be considered an **INDUSTRIAL USER** irrespective of the description commonly accorded to such user.

2. All buildings or structures discharging primarily domestic wastes at an average daily rate of more than 400 gallons per day per 10,000 square feet of land upon which the building is situated shall be considered **INDUSTRIAL USERS**.

3. All buildings or structures discharging volumes in excess of those set forth in divisions (2)(b)1. and (2)(b)2. above and/or strengths in excess of those of domestic wastes, or at flow rates defined herein as abnormal, shall be considered **INDUSTRIAL USERS**.

(c) **NON-INDUSTRIAL USER FOR ICRS**. All users not specifically defined as industrial users, except governmental users;

(d) **NON-INDUSTRIAL USER FOR UCS**. All users not specifically defined as industrial users;

(e) **GOVERNMENTAL USERS FOR UCS (USER CHARGE SYSTEM)**. All users who are agencies of the United States government or any state or local government, whether they are being charged user charges or infiltration/inflow surcharges for their own use or for the use of the inhabitants (individuals or entities) of the territory within their corporate jurisdiction;

(f) **GOVERNMENTAL USERS FOR ICRS**. All users who are agencies of the U.S. government or any state or local governments or municipalities. Where governmental users occupy commercial buildings and pay rental thereon, such buildings shall not be exempt from ICRS charges as they do not qualify as governmental users;

(g) Non-governmental user divisions for both UCS and ICRS - Division A, Agriculture, Forestry and Fishing; Division B, Mining; Division D, Manufacturing; Division E, Transportation, Communications, Electric, Gas and Sanitary Services; Division I, Services, all as defined in the most recent edition of the *Standard Industrial Classification Manual*, which is incorporated herein; and

(h) Nothing herein contained shall authorize a new connection of any storm or surface water collection system or combined sewer system to any sewer system tributary to the District collection system or authorize the continued existence of any connection of any existing combined sewer system to any interceptor line, the entire capacity of which is allocated to another community or other communities served by the District. The District specifically reserves the right to disconnect any sewers, sanitary, combined or storm which are illegally connected to any element of the District interceptor system, and particularly if such illegally connected sewer is connected to any interceptor, the entire capacity of which is allocated to another community or other communities served by the District.

USER. Any FOG producing facility, or high strength waste discharger, its owner(s) or operator(s) or their agent(s), that contribute to the FCWRD wastewater collection system.

USER CHARGE. The charge assessed by the District for sewer use pursuant to federal grant regulations. The charge shall be divided into three categories:

- (1) Non-industrial user charge;
- (2) Industrial user charge; and
- (3) Governmental user charge.

USER CHARGE SYSTEM (UCS). Has the meaning set forth in federal grant regulations.

WASTEWATER. The effluent from a building or structure plumbing system (not including storm water or ground seepage into plumbing) which flows into sewers which are tributary to the District system. Such effluent may be solely domestic type sewage, in which event it will be considered domestic waste; or it may contain chemical constituents and/or concentrations thereof which are either not found in domestic waste, as set forth in § 22-1.11, or which are of higher concentrations than those for domestic wastes, in which event such wastes will be considered industrial wastes. Irrespective of chemical constituency or concentration, ***WASTEWATER*** shall be classified as industrial wastes if the flow rate characteristics are abnormal.

WASTEWATER INFLOW/DISTRICT. Those portions of inflow/federal which are legally permitted to be discharged into the sewage collection system as specified herein.

WASTEWATER LOADINGS. Those measured or estimated quantities and/or qualities of wastewater emanating from users, determined by water meter readings or flat rate estimates of water use.

WATERCOURSE. The channel, swail or conduit in which a flow of water occurs, either continuously or intermittently, irrespective of the source of such waters.

WATER METER/PRIVATE INDIVIDUAL STRUCTURES. A water meter installed and required to be installed by this Ordinance in any structure containing more than one equivalent family unit where no other water meter has been installed.

WATER METER/PRIVATE UTILITY OR COOPERATIVE. The water meter installed within the piping system of any building by a private utility or cooperative.

WATER METER/PUBLIC. The water meter installed within the water piping system of any building by a municipality having jurisdiction of water supplies.

WATER METER READINGS. The monthly, quarterly or annual water meter readings, provided by such municipality, utility or cooperative or by the District, reading of the private individual structure water meters.

WORKS OF THE SYSTEM. The sum total of all of the constituent parts of the system of the District, including the treatment plant or plants, interceptor sewer lines, both storm and sanitary, and combined sewers, if any, including main and subsidiary lines, lateral lines, lift stations, special facilities and other machinery and devices, tools and equipment required to make the system function. (Prior Code, Ch. 1) (Ord. 537, passed 5-28-1981; Ord. 543, passed 6-11-1981; Ord. 659, passed 5-12-1988; Ord. 697, passed 2-2-1995; Ord. 721, passed 2-10-2000; Ord. 739, passed 1-17-2002; Ord. 764, passed 3-25-2004; Ord. 815, passed 12-20-2007; Ord. 821, passed 5-27-2022)

CHAPTER 2: THE PRESIDENT OF THE DISTRICT BOARD OF TRUSTEES

2 Flagg Creek Water Reclamation District - The President of the District Board of Trustees

CHAPTER 2: THE PRESIDENT OF THE DISTRICT BOARD OF TRUSTEES

Section

- 2-1.01 Election - term of office
- 2-1.02 Duties
- 2-1.03 Bond - oath - salary
- 2-1.04 President Pro Tem

§ 2-1.01 ELECTION - TERM OF OFFICE.

The President of the Board of Trustees of the District shall be elected annually for a term of one year from the membership of the Board of Trustees.
(Prior Code, § 2-1.01)

§ 2-1.02 DUTIES.

The President shall be chief executive officer of the District, and he or she shall perform all such duties as may be required of him or her by statute, ordinance or resolution. He or she may delegate to the Vice President or Executive Director such of his or her duties as he or she deems to be the best interest of the District.
(Prior Code, § 2-1.02)

§ 2-1.03 BOND - OATH - SALARY.

The bond of the President shall be set at the annual meeting of the Board of Trustees. The President shall file his or her oath of office with Clerk of the District upon being elected to office. The compensation of the President shall be fixed by the Board of Trustees of the District and shall not be more than the amount set forth in the Illinois Compiled Statutes.
(Prior Code, § 2-1.03)

4 Flagg Creek Water Reclamation District - The President of the District Board of Trustees

§ 2-1.04 PRESIDENT PRO TEM.

During the temporary absence or disability of the President of the Board of Trustees, the Vice President shall act as President Pro Tem, who, during the absence or disability of the President, shall perform the duties of the President.

(Prior Code, § 2-1.04)

CHAPTER 3: THE BOARD OF TRUSTEES

CHAPTER 3: THE BOARD OF TRUSTEES

Section

Article 1. General Provisions

- 3-1.01 Appointment - term of office
- 3-1.02 Bond - oath - salary
- 3-1.03 Meetings
- 3-1.04 Vote
- 3-1.05 Approval - ordinances, resolutions
- 3-1.06 Quorum

ARTICLE 1. GENERAL PROVISIONS

§ 3-1.01 APPOINTMENT - TERM OF OFFICE.

The Trustees shall be appointed to office in the manner, from time to time, provided by statute and shall serve the term provided for in their appointment.
(Prior Code, § 3-1.01)

§ 3-1.02 BOND - OATH - SALARY.

The bond of the members of the Board of Trustees shall be set at the annual meeting of the Board of Trustees. The members shall file their oaths with the appropriate officials of the county as provided by law upon their appointment. The compensation of the members of the Board of Trustees shall be fixed by the Board of Trustees of the District and shall not be more than the amount set forth in the Sanitary District Act of 1917, being 70 ILCS 2405/.
(Prior Code, § 3-1.02)

§ 3-1.03 MEETINGS.

The Board of Trustees shall hold its regular meetings at such times and days as it determines are appropriate. Special or emergency meetings may be held by the Board of Trustees. Notice of regular,

special and emergency meetings shall be made in compliance with the state Open Meetings Act, being 5 ILCS 120/1 to 5 ILCS 120/7.5. Unless otherwise provided by the Board, the meeting shall take place at the District offices.

(Prior Code, § 3-1.03)

§ 3-1.04 VOTE.

All members of the Board of Trustees shall have a vote, including the President. A majority vote of all members present shall carry the proposition.

(Prior Code, § 3-1.04)

§ 3-1.05 APPROVAL - ORDINANCES, RESOLUTIONS.

(A) All ordinances, resolutions and motions which:

- (1) Create any liability against the District;
- (2) Provide for the expenditure or appropriation of its money;
- (3) Authorize the sale of any municipal property;
- (4) Annex any territory to the District; or

(5) Provide any criminal penalty for persons who are convicted of a violation thereof shall be decided by a roll call vote.

(B) All passed ordinances and resolutions shall be signed by the President or, in his or her absence, the President Pro Tem, attested by the Clerk, or, in his or her absence, by the Clerk Pro Tem, sealed with the corporate seal and deposited with the Clerk.

(Prior Code, § 3-1.05)

§ 3-1.06 QUORUM.

Two Trustees shall constitute a quorum; however, one Trustee may adjourn a meeting from time to time.

(Prior Code, § 3-1.06)

CHAPTER 4: THE DISTRICT CLERK

CHAPTER 4: THE DISTRICT CLERK

Section

- 4-1.01 Election - term of office
- 4-1.02 Duties
- 4-1.03 Bond - oath - salary
- 4-1.04 Clerk Pro Tem

§ 4-1.01 ELECTION - TERM OF OFFICE.

The Clerk of the District shall be elected annually for a term of one year from within or without the Board.

(Prior Code, § 4-1.01)

§ 4-1.02 DUTIES.

The Clerk is the keeper of the seal and the records of the District.

(Prior Code, § 4-1.02)

§ 4-1.03 BOND - OATH - SALARY.

The bond of the Clerk of the District shall be set at the annual meeting of the Board of Trustees. The Clerk shall file his or her bond and oath in like manner as the President. The salary of the Clerk shall be set in like manner as the salary of the President.

(Prior Code, § 4-1.03)

§ 4-1.04 CLERK PRO TEM.

A Clerk Pro Tem may be elected in like manner as a President Pro Tem.

(Prior Code, § 4-1.04)

CHAPTER 5: TREASURER

CHAPTER 5: TREASURER

Section

- 5-1.01 Election - term of office - vacancy
- 5-1.02 Duties
- 5-1.03 Bond - oath - salary
- 5-1.04 Deposit of funds
- 5-1.05 Special assessment funds
- 5-1.06 Warrants - transfer of funds
- 5-1.07 Warrants - payroll and interim expenses - special powers

§ 5-1.01 ELECTION - TERM OF OFFICE - VACANCY.

The Treasurer of the District shall be elected annually for a term of one year from within or without the Board. At any time the District is without a Treasurer, the Board shall perform the functions of the Treasurer or it may delegate them to others.

(Prior Code, § 5-1.01)

§ 5-1.02 DUTIES.

(A) The District Treasurer shall be responsible to the Board of Trustees but under the supervision of the District Executive Director. He or she shall have the power and perform the duties provided by statute and by the ordinances of the District.

(B) Among other things, it shall be his or her duty as follows:

(1) To receive all monies due or belonging to the District and pay all orders or warrants, including special assessment and other bonds and interest coupons, authorized by the Board of Trustees and duly executed by the proper officers of the District;

(2) To keep, or cause to be kept, suitable books of account, showing in a simple and methodical manner all monies received by him or her, and from whom and on what account or fund they have been received, and all monies paid out by him or her, to whom and on what account or fund paid, and for what purpose. The books shall be balanced by him or her monthly. Such books may be kept by use of computers, but in such case, regular monthly printouts of the accounts, at least in synopsis form, shall be required;

Flagg Creek Water Reclamation District - Treasurer

(3) To keep, or cause to be kept, a separate account with each fund or appropriation stating at the head of each account the amount to be appropriated and giving the several debits and credits belonging thereto;

(4) To keep, or cause to be kept, an account with each special assessment, under its general description and number, giving in detail all receipts and disbursements therein;

(5) To make a monthly report of his or her transactions as Treasurer to the President and Board of Trustees, which report shall be filed with said Board together with cancelled vouchers covering all transactions embraced on said report; and

(6) To annually, within 30 days of the end of the fiscal year, make out and file with the District Clerk a full and detailed account of all his or her receipts and disbursements as such Treasurer during the preceding fiscal year of the District, which account shall show the state of the Treasury at the close of the fiscal year. A copy of such report, as filed with the District Clerk and bearing the affidavit thereof, together with a copy of the published report thereon shall be filed with the County Collector before September 1, as required by statute.

(Prior Code, § 5-1.02)

§ 5-1.03 BOND - OATH - SALARY.

The bond of the Treasurer of the District shall be set at the annual meeting of the Board of Trustees. The Treasurer shall file his or her bond and oath with the Clerk of the District. The salary of the Treasurer shall be set by the Board.

(Prior Code, § 5-1.03)

§ 5-1.04 DEPOSIT OF FUNDS.

He or she shall deposit the District funds in such depositories as may be selected from time to time, as provided by law; and he or she shall keep the deposit of the District money separate and distinct from his or her own money, and shall not make private or personal use of any District money.

(Prior Code, § 5-1.04)

§ 5-1.05 SPECIAL ASSESSMENT FUNDS.

All monies received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made, and said money shall be used for no other purpose, unless to reimburse the District for the money expended for such improvement. Payments on bonds or

vouchers shall be made in accordance with the statutes, and the Treasurer shall keep his or her books and accounts in such a manner so that proper prorations in payments of principal and interest can be made and ascertained.

(Prior Code, § 5-1.05)

§ 5-1.06 WARRANTS - TRANSFER OF FUNDS.

Except as specified below, all warrants drawn by the Treasurer must be signed by any two of the following: the President, the District Clerk or the Vice President of the District; stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by him or her, nor appropriated to any other purpose other than that for which it has been collected or paid, except as may be ordered by the District President and Board of Trustees in manner and form prescribed by statute.

(Prior Code, § 5-1.06)

§ 5-1.07 WARRANTS - PAYROLL AND INTERIM EXPENSES - SPECIAL POWERS.

The Treasurer and Executive Director of the District, or one of them and one Trustee, shall be authorized to sign, on behalf of the District, deferred payment lien agreements, drain layer licenses. (However, no drain layer license shall be signed until the Attorney for the District has approved the surety bond.) The Board may authorize the establishment of an impressed payroll account. The checks for said account shall bear the signatures of any two of the following persons: any Trustee, Treasurer, Executive Director and Plant Superintendent.

(Prior Code, § 5-1.07)

CHAPTER 6: APPOINTIVE OFFICERS

CHAPTER 6: APPOINTIVE OFFICERS

Section

Article 1. General Provisions

- 6-1.01 The Executive Director of the Sanitary District
- 6-1.02 Special powers of Executive Director
- 6-1.03 Assistant to the Executive Director
- 6-1.04 Sanitary District Attorney
- 6-1.05 Special counsel

Article 2. Inspector

- 6-2.01 Inspector - creation of office
- 6-2.02 Inspector - duties
- 6-2.03 Inspector - stop order
- 6-2.04 Inspector - entry powers
- 6-2.05 Inspector - records, reports

Article 3. Chief Engineer

- 6-3.01 Chief Engineer
- 6-3.02 Chief Engineer - duties
- 6-3.03 Chief Engineer - reports

Article 4. Plant Superintendent

- 6-4.01 Plant Superintendent
- 6-4.02 Plant Superintendent - duties
- 6-4.03 Plant Superintendent - reports

Article 5. Officials and Employees

- 6-5.01 Indemnification of officials and employees

ARTICLE 1. GENERAL PROVISIONS**§ 6-1.01 THE EXECUTIVE DIRECTOR OF THE SANITARY DISTRICT.**

The Executive Director of the District shall be appointed by the Board and shall be given such duties as the Board shall determine. The Board shall set the salary of the Executive Director annually. The Executive Director shall serve at the pleasure of the Board.

(Prior Code, § 6-1.01)

§ 6-1.02 SPECIAL POWERS OF EXECUTIVE DIRECTOR.

(A) The Treasurer and Executive Director of the District or one of them and one Trustee shall be authorized to sign, on behalf of the District, deferred lien agreements, drain layer licenses. (However, no drain layer license shall be signed until the Attorney for the District has approved the surety bond.)

(B) The Board may authorize the establishment of an impressed payroll account. The checks for said account shall bear the signatures of any two of the following persons: any Trustee, Treasurer, Executive Director and Plant Superintendent.

(Prior Code, § 6-1.02)

§ 6-1.03 ASSISTANT TO THE EXECUTIVE DIRECTOR.

The Board shall have the right to appoint such assistants to the Executive Director with such duties and at such salaries as the Board shall determine. Such assistants may be given titles which are indicative as to their function.

(Prior Code, § 6-1.03)

§ 6-1.04 SANITARY DISTRICT ATTORNEY.

The Board shall appoint an attorney for the District at such salary and on such terms as shall be mutually agreed by the District and the attorney.

(Prior Code, § 6-1.04)

§ 6-1.05 SPECIAL COUNSEL.

The Board may retain special counsel to represent or advise the Board on special matters or to assist the Sanitary District attorney.

(Prior Code, § 6-1.05)

ARTICLE 2. INSPECTOR

§ 6-2.01 INSPECTOR - CREATION OF OFFICE.

There is hereby created the position of Inspector. The Inspector shall be appointed by the District's Executive Director.

(Prior Code, § 6-2.01)

§ 6-2.02 INSPECTOR - DUTIES.

It shall be the duty of the Inspectors, and they are hereby empowered, to enforce all District ordinances relating to the installation, care and standards of drain laying. They shall make all necessary inspections and tests which may be needed in the performance of their duties. They shall be subject to the direction and supervision of the District Executive Director.

(Prior Code, § 6-2.02)

§ 6-2.03 INSPECTOR - STOP ORDER.

Whenever an Inspector shall find work being done in violation of the District's ordinances, he or she shall have the power to order the work stopped until the ordinances are complied with. It shall be unlawful to continue any such work after a stop order has been issued, except upon written order of the President or of the Inspector to proceed; provided that, if such a stop order is an oral order, it shall be followed by a written stop order within 24 hours.

(Prior Code, § 6-2.03)

§ 6-2.04 INSPECTOR - ENTRY POWERS.

Inspectors shall have the power to enter any building or premises on or in which plumbing fixtures or pipes are being installed, altered or repaired, at all reasonable hours, to make inspection to ensure compliance with the ordinances of the District relative thereto.

(Prior Code, § 6-2.04)

§ 6-2.05 INSPECTOR - RECORDS, REPORTS.

Inspectors shall keep records of all applications and shall show the disposal thereof. They shall make monthly reports to the District Executive Director of their activities.

(Prior Code, § 6-2.05)

ARTICLE 3. CHIEF ENGINEER**§ 6-3.01 CHIEF ENGINEER.**

The Chief Engineer of the District shall be appointed by the Board of Trustees. The Chief Engineer shall serve at the pleasure of the Board.

(Prior Code, § 6-3.01)

§ 6-3.02 CHIEF ENGINEER - DUTIES.

The Chief Engineer shall be responsible for all engineering matters of the District.

(Prior Code, § 6-3.02)

§ 6-3.03 CHIEF ENGINEER - REPORTS.

The Chief Engineer shall report to the Board of Trustees at the regular monthly meetings of the Board.

(Prior Code, § 6-3.03)

ARTICLE 4. PLANT SUPERINTENDENT**§ 6-4.01 PLANT SUPERINTENDENT.**

The Plant Superintendent shall be appointed by the Board of Trustees and shall serve at the pleasure of the Board.

(Prior Code, § 6-4.01)

§ 6-4.02 PLANT SUPERINTENDENT - DUTIES.

The Plant Superintendent shall be responsible for the operation and maintenance of the plants of the District.

(Prior Code, § 6-4.02)

§ 6-4.03 PLANT SUPERINTENDENT - REPORTS.

The Plant Superintendent shall give monthly reports to the Board.

(Prior Code, § 6-4.03)

ARTICLE 5. INDEMNIFICATION

§ 6-5.01 INDEMNIFICATION OF OFFICIALS AND EMPLOYEES.

(A) If any claim or action, civil or criminal, is brought or instituted against an official or employee, where such claim or action arises out of an act or omission of the official or employee, performed or made in good faith in the discharge of his or her official duties or in the course of his or her employment, the District shall indemnify such official or employee for any reasonable costs incurred by such official or employee in defense of such claim or action, including reasonable attorneys' fees, and shall pay any judgment or settlement arising out of such claim or action.

(B) In the event that an official or employee, who has acted in good faith in the discharge of his or her official duties or in the course of his or her employment, becomes involved in any investigation, which can lead to a criminal prosecution where the subject matter of the investigation concerns District matters, the District shall indemnify such official or employee for any reasonable costs incurred, including reasonable attorneys' fees, in connection with such investigation or proceedings.

(C) Whenever a claim, action, investigation or proceeding, as described in divisions (A) and (B) above, arises out of conduct which results in an official or employee being convicted of a crime, such official or employee shall not be entitled to indemnity.

(Ord. 659, passed 5-12-1988)

CHAPTER 7: BOARD OF LOCAL IMPROVEMENTS

CHAPTER 7: BOARD OF LOCAL IMPROVEMENTS

Section

7-1.01	Appointment
7-1.02	General duties
7-1.03	Recitals
7-1.04	Public interest
7-1.05	Interests of the District
7-1.06	Name
7-1.07	Monthly salary
7-1.08	Term of office; bonds
7-1.09	Appointment
7-1.10	Meetings
7-1.11	Budget
7-1.12	Funds
7-1.13	Engineer
7-1.14	Special assessment proceeding

§ 7-1.01 APPOINTMENT.

There is hereby established the Board of Local Improvements for the District, which shall consist of the President and all the members of the Board of Trustees.
(Prior Code, § 7-1.01)

§ 7-1.02 GENERAL DUTIES.

The Board of Local Improvements shall have the powers and perform the duties assigned to it by statute or ordinance.
(Prior Code, § 7-1.02)

§ 7-1.03 RECITALS.

The recitals in this Ordinance 721 are hereby incorporated herein as if they were set forth hereafter.
(Ord. 721, passed 2-10-2000)

§ 7-1.04 PUBLIC INTEREST.

After a study or a written explanation by the District general counsel of the functions of the members of the Board of Trustees and the members of a Board of Local Improvements with respect to unserved adjacent territory, the corporate authority finds that it is in the best interests of the public-at-large, and in the specific interest of the District and the owners and residents of lands at the northern boundary of the District to establish a Board of Local Improvements and to appoint members thereto.

(Ord. 721, passed 2-10-2000)

§ 7-1.05 INTERESTS OF THE DISTRICT.

The corporate authority further finds that it would be in the best interests of the District if the members of the Board of Local Improvements were one and the same persons as the Trustees of the District.

(Ord. 721, passed 2-10-2000)

§ 7-1.06 NAME.

The corporate authority hereby determines that a board of local improvements shall be, and is hereby, constituted for the District and that such board shall be known and referred to as the District Board of Local Improvements.

(Ord. 721, passed 2-10-2000)

§ 7-1.07 MONTHLY SALARY.

The monthly salary for such Board members shall be as limited by the operative statute, presently 65 ILCS 5/9-2-7, and shall automatically increase if and when such statute shall be amended increasing the compensation. Currently, said act limits the compensation for Board members who hold any other office in the government to \$100 per month. There appears to be no such limit for persons who hold no other office in the District. Should the Board appoint a member who is not a member of the Board of Trustees in the appointing ordinance, the compensation for such Board member shall be fixed by the appointing ordinance.

(Ord. 721, passed 2-10-2000)

§ 7-1.08 TERM OF OFFICE; BONDS.

The term of office for such Board members shall be at the pleasure of the Board of Trustees. It is expected that, annually at the District organizational meeting in May of each year, the members will be re-appointed, or new and different members will be appointed to replace one or more of them. No bond shall be required for any Board of Local Improvements member, unless and until such members actually handle funds belonging to the District or to a Special Assessment Fund. The amount of any such bond

shall be set by the Board of Trustees at the time that such a bond becomes necessary. The cost of any such bond shall be borne by the District from its general fund or Public Benefit Fund in the sole discretion of the Trustees.

(Ord. 721, passed 2-10-2000)

§ 7-1.09 APPOINTMENT.

The corporate authority hereby appoints persons to the Board of Local Improvements, each to serve a full term as such member and thereafter until his or her successor is appointed.

(Ord. 721, passed 2-10-2000)

§ 7-1.10 MEETINGS.

The Board of Local Improvements shall meet monthly on the same date as the Board of Trustees, after the conclusion of the regular Board meeting and any executive session of the Board of Trustees, and said Board of Local Improvements meeting may, if necessary, be continued to another date or dates; however, the next regular meeting of the Board of Local Improvements shall fall on the date of the regular meeting of the Board of Trustees.

(Ord. 721, passed 2-10-2000)

§ 7-1.11 BUDGET.

The Board of Local Improvements shall prepare a budget for its estimated costs for each fiscal year of the Board, which shall be coincidental with the fiscal year of the District (May 1 through April 30). Said budget shall include all estimated costs of operation, including member salaries, staff salaries, engineers estimated fees, inclusive of the cost of the preparation of the plans and specifications for individual assessments, and legal counsel, but no costs of making and levying of any assessment, which shall be paid from assessments levied against the property to be benefitted by such assessment. If a project for which the Engineer has prepared plans and specification proceeds to special assessment proceedings and confirmation, the specific costs thereof, but not the expense of the operation of the Board of Local Improvements, shall be included in the assessment as provided by law.

(Ord. 721, passed 2-10-2000)

§ 7-1.12 FUNDS.

At such time thereafter that the Board of Trustees receives such budget and the time for a legal appropriation arises, the Board of Trustees shall appropriate such funds as the Board of Trustees deems appropriate, whether in the amount of the budget of the Board of Local Improvements or greater or lesser, in the sole discretion of the Board of Trustees. The Board of Local Improvements shall not expend any funds which have not been legally appropriated. If, prior to the first appropriation for the Board of Local Improvements, or subsequent thereto, the original appropriation is insufficient, and there

is an appropriation in existence for another purpose which exceeds the needs for that purpose (specifically including the Public Benefit Fund) from which the Board of Trustees may legally transfer funds to the Board of Local Improvements Fund, and the Board of Trustees enacts an ordinance authorizing and directing the transfer, the funds so transferred shall be available to the Board of Local Improvements for expenditure pursuant to the terms of said ordinance. Said ordinance may limit the use of such funds in such manner and to such degree as the Board of Trustees determines meets the needs and policies of the Board of Trustees.

(Ord. 721, passed 2-10-2000)

§ 7-1.13 ENGINEER.

The Board of Local Improvements shall, after being funded, hire an Engineer to study any project for installation of sewers or other public improvement which benefits adjacent land owners which its members determine is in the best interests of the District and the land to be assessed.

(Ord. 721, passed 2-10-2000)

§ 7-1.14 SPECIAL ASSESSMENT PROCEEDING.

(A) If, after review of the facts and circumstances and estimated costs of the improvement, the Board of Local Improvements determines that a special assessment proceeding is required to provide the funding necessary to install the proposed improvement, the Board of Local Improvements shall, pursuant to statute, hold the necessary public hearing and thereafter prepare, with its Counsel's assistance, a first resolution and, in the event that such resolution is enacted by the Board of Local Improvements, thereafter prepare, with its Counsel's assistance, an ordinance for the improvement to be delivered to the Board of Trustees with the resolution for its action.

(B) If the Board of Trustees thereafter enacts the ordinance for the improvement, the Board of Local Improvements shall proceed hence with the statutory procedure for the assessment.

(Ord. 721, passed 2-10-2000)

**CHAPTER 8: STATEMENT OF POLICY OF THE FLAGG CREEK WATER
RECLAMATION DISTRICT**

2 **Flagg Creek Reclamation District - Statement of Policy of the Flagg Creek Water
Reclamation District**

**CHAPTER 8: STATEMENT OF POLICY OF THE FLAGG CREEK WATER
RECLAMATION DISTRICT**

Section

- 8-1.01 Sanitary District Act of 1917
- 8-1.02 Statutory mandate
- 8-1.03 Requirement for regulation
- 8-1.04 Requirement for uniformity
- 8-1.05 Increment of use basis
- 8-1.06 Governmental cooperation
- 8-1.07 Planning cooperation
- 8-1.08 Acceptance of full statutory mandate - moratorium

§ 8-1.01 SANITARY DISTRICT ACT OF 1917.

The District was founded under the Sanitary District Act of 1917, being 70 ILCS 2405/.
(Prior Code, § 8-1.01)

§ 8-1.02 STATUTORY MANDATE.

The Act gives a mandate to the District to prevent pollution of water sources within the District and grants to the District certain powers within a 15-mile radius of the District to prevent pollution.
(Prior Code, § 8-1.02)

§ 8-1.03 REQUIREMENT FOR REGULATION.

In order to achieve the goal of prevention of pollution, ordinances, resolutions, rules and regulations must be promulgated by the Board of Trustees of the District which are conducive to the prevention of pollution.
(Prior Code, § 8-1.03)

4 **Flagg Creek Reclamation District - Statement of Policy of the Flagg Creek Water
Reclamation District**

§ 8-1.04 REQUIREMENT FOR UNIFORMITY.

The application of such ordinances, resolutions, rules and regulations must be uniform and all persons or entities utilizing the system of the District must pay to the District their fair share of the cost of construction, operation and maintenance of the system.

(Prior Code, § 8-1.04)

§ 8-1.05 INCREMENT OF USE BASIS.

(A) Except where specified otherwise by ordinances enacted in response to federal regulations, charges for District services, including those for construction permits, connection, use and maintenance, shall be equally assessed to the users, not on an individual user basis, but on an “increment of use” basis. The burden imposed upon the District by all users shall be equated to the number of increments of use herein defined as *EQUIVALENT FAMILY UNITS* for both residential purposes and non-residential purposes as defined herein and the charges made shall relate to the increments of use based thereon. The composite connection charge system and parts of the user charge system of the District are established based upon potential use of District facilities.

(B) Deviations from this general policy shall be based only upon federal regulations or circumstances where the ultimate good of the goal of the District to prevent pollution is served by such deviations.

(Prior Code, § 8-1.05)

§ 8-1.06 GOVERNMENTAL COOPERATION.

It is the policy of the District to cooperate with the state and federal Environmental Protection Agencies, the State Pollution Control Board and the State Institute for Environmental Quality to achieve the statutory mandate and to regionalize sewage treatment service within DuPage County in the manner ultimately determined by the legislature of the state or the agency of the state charged with such determination.

(Prior Code, § 8-1.06)

§ 8-1.07 PLANNING COOPERATION.

It is further the policy of the District to cooperate with the Northeastern Illinois Plan Commission (NIPC) in matters concerning pollution control, open spaces planning and other programs which have any legal relationship to District activities under the law.

(Prior Code, § 8-1.07)

§ 8-1.08 ACCEPTANCE OF FULL STATUTORY MANDATE - MORATORIUM.

(A) It is the policy of the District to exercise all rights and duties granted to it in the acts of the legislature of the state and the Congress of the United States. To that end, to the extent that there is or may, from time to time, be no specific ordinance or resolution of the District implementing the grant of authority by such legislative bodies, the District, by this chapter, ordains that such grant of authority is accepted. The District, further by this chapter, ordains that no act or conduct governed by the said acts shall be permitted within the District or without the District to the extent that the District has jurisdiction, without permission and regulation hereafter enacted by ordinance, resolution, rule and/or regulations established by the corporate authority of the District. No such ordinances, resolutions, rules or regulations promulgated hereafter shall be considered ex-post facto unless the act or event sought to be regulated has occurred prior to the passage of this chapter. The District by passage of this chapter hereby ordains that pending enactment of specific ordinance, a moratorium is hereby established concerning all matters provided by statute but not yet encompassed in District ordinances, resolutions, rules and/or regulations for a period of one year from date of this chapter or until such legislative action shall sooner occur.

(B) Said moratorium shall include the following subject matters authorized by law.

<i>State Law Chapter and Section</i>	<i>Subject</i>
Chapter 42:	
Section 306	Industrial sewer charge
Section 306.2	Connection outside District
Section 306.3	Standards of construction outside District
Section 316	Use of District facilities by other municipalities or special Districts
Section 317	Inadmissible wastes - prevention of entry into District system, including penalties therefor
Section 319.7	Civil action to recover sewerage charges
Section 319.11a	Contracting with other municipalities - rules and regulations

(C) The moratorium for the completion of the above mentioned sections shall continue until the ordinances, resolutions, rules and regulations as enacted, but not longer than one year from date of this chapter unless extended by ordinance.

(Prior Code, § 8-1.08)

**6 Flagg Creek Reclamation District - Statement of Policy of the Flagg Creek Water
 Reclamation District**

CHAPTER 9: PUBLIC BENEFIT

CHAPTER 9: PUBLIC BENEFIT

Section

- 9-1.01 Purpose - levy authorization
- 9-1.02 Warrants
- 9-1.03 General operating fund reimbursement policy
- 9-1.04 Declaration of public benefit
- 9-1.05 Automatic transfer
- 9-1.06 Public Benefit Fund policies
- 9-1.07 Public benefits table

§ 9-1.01 PURPOSE - LEVY AUTHORIZATION.

For the purpose of providing a fund to be used solely for the purpose of paying that portion of the several amounts heretofore assessed against the District for public benefit, as well as paying any such amounts as may be hereafter assessed for such benefit under and in pursuance of any ordinance that may be hereafter passed, there is hereby authorized to be levied annually, in addition to the taxes now authorized by law and in addition to the amount authorized to be levied for general purposes, a direct annual tax up to the maximum amount permitted by law of all taxable property in such District, and to be known as the public benefit tax, and the fund arising therefrom shall be known as a Public Benefit Fund, which Fund shall be used solely for the purposes above set forth. If levied, such levy shall be included in the annual levy ordinance.

(Prior Code, § 9-1.01)

§ 9-1.02 WARRANTS.

Warrants may be drawn against any such tax as and in the manner and with like force and effect as is provided by state law.

(Prior Code, § 9-1.02)

§ 9-1.03 GENERAL OPERATING FUND REIMBURSEMENT POLICY.

A District policy is hereby established to reimburse the General Operating Fund for projects deemed by the Board of Trustees to be of general benefit of the public of the District from the Public Benefit Fund.

(Prior Code, § 9-1.03)

§ 9-1.04 DECLARATION OF PUBLIC BENEFIT.

The Board of Trustees specifically declares the following expenditures to be for the general benefit of the public of the District:

(A) Reimbursement for costs of discontinued special assessment;

(B) Shortage in the General Obligation Bond Fund due to non-levying of taxes in Cook County and successful tax objection cases; and

(C) Any other purpose declared by ordinance to qualify.
(Prior Code, § 9-1.04)

§ 9-1.05 AUTOMATIC TRANSFER.

Each and every year after the passage of this Ordinance, if there has been a public benefit tax levy, the Treasurer of the District shall transfer from the Public Benefit Fund sufficient funds into the General Obligation Bond Fund to equal the estimated uncollected taxes for the year attributable to the Bond Fund and the estimated amount of taxes attributable to the untaxed Cook County real estate, and such funds shall be made available for the debt service of the General Obligation Bond Fund.
(Prior Code, § 9-1.05)

§ 9-1.06 PUBLIC BENEFIT FUND POLICIES.

(A) (1) The corporate authority of the District hereby declares that, whenever an improvement is studied by, planned by or installed by the District at least part of which is for the general benefit of the District inhabitants, either by declaration of the Board of Trustees or order of a court of competent jurisdiction, all expenditures from the General Fund for the purposes of studying, planning or making, such public improvements within the incorporated territory of the District, including those costs incident thereto for planning, engineering, making and levying and deferring the costs incurred in litigation are for the public benefit of the District.

(2) The corporate authority of the District hereby authorizes and directs the reimbursement of the General Fund of the District from the Public Benefit Fund in such amounts as are sufficient to fully reimburse the General Fund for such expenditures as have been made and may in the future be made for such studying, planning, engineering, making and levying and deferring the costs incurred in litigation incurred in conjunction with any such improvement to the extent that such costs have not heretofore or hereafter been paid from any Special Assessment Fund levied to provide for the work.

(B) (1) The corporate authority of the District hereby establishes the policy that, whenever an improvement is installed by the District at least part of which is for the general benefit of the District inhabitants, either by declaration of the Board of Trustees or by order of a court of competent jurisdiction, any surplus in the Special Assessment Fund may be declared by ordinance to be public

benefit and may be transferred to the Public Benefit Fund of the District to reimburse the Public Benefit Fund for expenses attributable to the particular project which is the source of the particular Special Assessment Fund.

(2) The corporate authority of the District hereby authorizes and directs the reimbursement of the Public Benefit Fund of the District from the surplus of any Special Assessment Fund levied for any such improvement to reimburse the Public Benefit Fund for all expenditures from the Public Benefit Fund in such amounts as are sufficient to fully reimburse the Public Benefit Fund for expenditures made relating to the specific improvement directly from the Public Benefit Fund or for which the Public Benefit Fund has reimbursed the General Fund for such expenditures as have been made for planning, engineering, making and levying and deferring the costs incurred in litigation incurred in conjunction with any such improvement to the extent that such costs have not heretofore or hereafter been paid directly from the Special Assessment Fund levied to provide for the work.

(3) In those cases where any order of court has been entered authorizing the transfer of monies from a Special Assessment Fund to the Public Benefit Fund, the enactment of an ordinance or resolution to authorize such transfer shall be optional on the part of the District. If no ordinance is enacted, such transfer shall be accomplished by the drawing of a check upon the Special Assessment Fund in the amount specified in the order. If the transfer is authorized by ordinance, the transfer shall be in such amount as may be authorized by the corporate authority not inconsistent with the policy herein stated. (Ord. 641, passed 1-15-1987; Ord. 642, passed 1-15-1987)

§ 9-1.07 PUBLIC BENEFITS TABLE.

The follow table lists ordinances that involve Public Benefit Fund transfers:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
425	4-22-1976	Declaring public benefit and authorizing the transfer of Public Benefit Funds for payment of public benefit costs
453	10-13-1977	Declaring public benefit and authorizing transfer of funds
455	3-10-1978	Declaring public benefit and authorizing the transfer of Public Benefit Funds for payment of costs declared to be public benefit
520	10-9-1980	Declaring public benefit and transferring funds from the Public Benefit Fund to the Water Fund
587	1-13-1983	Providing for transfer of Public Benefit Funds to the Capital Improvement Fund
603	12-8-1983	Providing for approval of public benefit expenditures
643	1-15-1987	Declaring public benefit and authorizing reimbursement of Public Benefit Fund from the Special Assessment 16 Fund
645	2-19-1987	Declaring public benefit and authorizing reimbursement of Public Benefit Fund from the Special Assessment 14 Fund

Flagg Creek Water Reclamation District - Public Benefit

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
646	2-19-1987	Declaring public benefit and directing reimbursement to the General Fund from the Public Benefit Fund - Special Assessment 15 Fund
647	2-19-1987	Declaring public benefit and authorizing reimbursement of Public Benefit Fund from the Special Assessment 15 Fund
691	6-17-1993	Declaring public benefit and authorizing transfer from Public Benefit Fund to the General Fund
701	7-20-1995	Declaring public benefit, allocating Public Benefit Funds, directing transfer thereof and authorizing expenditure of Capital Improvement Funds for works of the system improvements
725	4-27-2000	Declaring public benefit and authorizing transfer of funds

CHAPTER 10: SYSTEM ANALYSIS

CHAPTER 10: SYSTEM ANALYSIS

Section

- 10-1.01 Declaration of policy
- 10-1.02 Staff duties

§ 10-1.01 DECLARATION OF POLICY.

In order to prepare for an orderly development of the undeveloped areas and redevelopment of the uneconomically developed areas, both within the District and outside the District, a continuing staff study of capacity and needs is necessary so the District will be in a position to provide a continual reserve of capacity.

(Prior Code, § 10-1.01)

§ 10-1.02 STAFF DUTIES.

The staff is directed to prepare a semiannual population equivalent projection and a plant, interceptor and other facilities construction schedule to meet the District's anticipated need. The first report shall be due six months from the date of enactment of this chapter and subsequent reports each six months thereafter.

(Prior Code, § 10-1.02)

CHAPTER 11: FLOW LIMITATIONS

CHAPTER 11: FLOW LIMITATIONS

Section

Article 1. General Provisions

- 11-1.01 Mandated design capacity
- 11-1.02 Policy statement limitations
- 11-1.03 Excess loadings
- 11-1.04 District form for application for variance - exhibits
- 11-1.05 Covenant required as a condition of granting a variance

Article 2. Policies

- 11-2.01 Policy for prohibiting transfers of flow density
- 11-2.02 Experimental policy

ARTICLE 1. GENERAL PROVISIONS

§ 11-1.01 MANDATED DESIGN CAPACITY.

Design capacities of District facilities mandated by the concerned planning agencies prior to approval of federal construction grants required sewer sizing for 3,000 gallons per day per acre. (Prior Code, § 11-1.01)

§ 11-1.02 POLICY STATEMENT LIMITATIONS.

(A) The District hereby adopts the policy of not permitting development of lands where such development will create loadings in excess of the capacity of the existing facilities of the District, including plant, interceptor and lateral sewers and special facilities. Any development which will result in more than 3,000 gallons per day per acre requires a variation request to be heard by the Board and may not be approved without a finding by the Board that such development is of a unique nature, that it is desirable that it exist in the District, and that no portion of the District system will be overloaded beyond its design capacity. Denial or approval shall be by resolution. Flow dampening or equalization units may be required for a specific project if, in the judgment of the District, the diurnal flow from the project will adversely affect the flow in the receiving sewer.

(B) After receipt of any request for a variance hearing, the Board of Trustees may delegate the conducting of the hearing, at a date certain, to the District Director and counsel by a majority vote at any regularly convened meeting of the Board. In such case, the District Director and counsel shall hold such hearing and accept such facts and arguments as are presented by the applicant and the District. The District shall present the sewer capacity study required by Chapter 12. Neither the District Director nor District counsel shall be precluded from presenting additional facts or legal arguments at the hearing. Minutes of the meeting shall be taken by another District staff person and delivered to the Board members along with the District Director's recommendation. The applicant may provide, at its own expense, for a court reporter to record the proceedings. In such case, before the matter is sent to the Board for final consideration and determination of whether or not to grant a variance, the Board members shall be given copies of the transcript of the proceedings and the exhibits thereto. Whether or not there is a transcript of the hearing, the District Director and counsel shall present their agreed report of the proceedings. They shall simultaneously present the minutes of the meeting, a copy of the application, the exhibits and their recommendation to the Board in writing. In the event that the District Director and the counsel do not agree as to the recommendation, they shall each file their own recommendation with the Board in writing. In no case shall the Board make a decision on whether or not to grant a variance or upon what terms to grant a variance until the Board members have reviewed the application, the Chapter 12 capacity study, the minutes of the meeting, the staff recommendation(s) and the transcript, if any, and had a full discussion and deliberation on the matter at a regular or special open meeting of the Board of trustees. The Trustees may take the matter under advisement but must reach a determination not later than the adjournment of the next regular meeting of the Board of Trustee which occurs after the regular meeting or special open meeting at which the Board had its full discussion and deliberations, unless the applicant requests an extension to the next regular meeting. Failure to make a determination before the adjournment of such Board meeting on such date or extended date shall constitute rejection of the application for variance. If a variation is granted, the terms thereof shall be set out and it shall comply with the provisions of Chapter 12.

(Prior Code, § 11-1.02) (Ord. 737, passed 1-17-2002)

§ 11-1.03 EXCESS LOADINGS.

If a proposed development submitted to the District will result in design wastewater loads in excess of the capacity of the District's facilities for service of that area, the project developer shall be required to reduce wastewater loads of his or her project to within the system's capacity; alternatively, where a portion of the District's facilities are considered by the Board to be unable to handle the projected loads, the District may provide, by resolution, that the project developer install, at his or her sole expense, supplemental facilities for the District from the project site to a location on the District's system which can adequately accept the loadings, or to install facilities for storage and timed release of wastes on the developer's site, but in no case shall the resultant loadings exceed the maximum loadings permitted hereunder.

(Prior Code, § 11-1.03)

§ 11-1.04 DISTRICT FORM FOR APPLICATION FOR VARIANCE - EXHIBITS.

(A) The District shall prepare application forms for variance of flow limitations.

(B) The applicant shall submit with the application the following information:

(1) The legal description and acreage of the property;

(2) The ownership thereof;

(3) That the property is the subject of an application for a variance of the 3,000 GPDPA limit and a surcharge connection permit; and

(4) A survey of the property which depicts the then present structures on the property.
(Prior Code, § 11-1.04) (Ord. 737, passed 1-17-2002)

§ 11-1.05 COVENANT REQUIRED AS A CONDITION OF GRANTING A VARIANCE.

(A) No variance shall be granted without the acceptance by the applicant of the determination of the Board of Trustees as to classification of use, the terms of the variance, the means the calculation of the composite connection charge surcharge amount and the amount thereof, pursuant to the provisions of Chapter 12.

(B) Such acceptance shall be incorporated in a covenant running with the land which will specify the following:

(1) The legal description and acreage of the property;

(2) The ownership thereof;

(3) That the property is the subject of an application for a variance of the 3,000 GPDPA limit and a surcharge connection permit;

(4) The specific amount of the composite connection charge surcharge established by the Board pursuant to the formula set forth in § 12-1.12 (2002);

(5) That no connection shall be made until any improvements required by the District shall have been completed;

(6) That no new application for connection permit for said property will be accepted by the District for such parcel until the sewage collection system upgrades are on line; and

(7) That the District may, at the sole discretion of the Board of Trustees, hear a future application for a variance and surcharge connection permit on a site which has already received such a permit, but not before five years have elapsed since the issuance of the last such permit.
(Prior Code, § 11-1.05) (Ord. 737, passed 1-17-2002)

ARTICLE 2. POLICIES

§ 11-2.01 POLICY FOR PROHIBITING TRANSFERS OF FLOW DENSITY.

(A) The Board of Trustees hereby readopts the policy established by § 11-2.02.

(B) Hereafter, there shall be no authority for allowing the granting of a transfer of flow density from one parcel to another, except as hereinafter provided.

(C) This section shall not affect any transfer of flow density heretofore authorized by ordinance, resolution or express in a covenant running with the land where the District is a party to such covenant.

(D) The Board of Trustees hereby ratifies and affirms the provisions of Chapter 11 relating to transfer of density, except as those provisions may have been amended subsequent thereto.
(Ord. 757, passed 6-26-2003)

§ 11-2.02 EXPERIMENTAL POLICY.

(A) The experimental policy instituted by the Board of Trustees to permit the transfer of density (for sanitary discharge purposes) from one parcel of land to any other parcel of land within the District or from one portion of a parcel to another portion of the same parcel within the District is hereby terminated.

(B) This section shall not effect any transfer of density upon which the Board of Trustees has granted authority by vote or otherwise.
(Ord. 666, passed 3-16-1989)

**CHAPTER 12: REGULATION OF FLOW, SURCHARGE CONNECTION PERMITS,
EXCESS EFFLUENT FLOW, HEARING, DISTRICT ACTION, COVENANT RUNNING
WITH THE LAND, SURCHARGE ON SEWER SERVICE CHARGE BILLING**

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**CHAPTER 12: REGULATION OF FLOW, SURCHARGE CONNECTION PERMITS,
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WITH THE LAND, SURCHARGE ON SEWER SERVICE CHARGE BILLING**

Section

- 12-1.01 Policy statement
- 12-1.02 Establishment of the System Capacity Relief Fund
- 12-1.03 Capacity study required - deposit of study cost
- 12-1.03(a) Transfer of flow allocation for purposes of calculating surcharge connection permit fees
- 12-1.04 Analysis of study
- 12-1.05 Inadequate lateral sewer capacity - alternatives after study
- 12-1.06 Inadequate lift station(s) capacity - alternatives after study
- 12-1.07 Inadequate interceptor sewer capacity - alternatives after study
- 12-1.08 Board determination to issue surcharge permits - fund disposition
- 12-1.09 Rejection of application
- 12-1.10 Section 11 variation proceedings required
- 12-1.11 Procedure after granting of variance - classification of uses - calculation of composite connection charge surcharge
- 12-1.12 Application of composite connection charge surcharge to different classification of uses
- 12-1.13 Agreement between applicant and District - covenant running with the land - limit on future connection permits
- 12-1.14 Abuse of permitted flow - prohibition - notice or knowledge - surcharge on sewer service charge rate

§ 12-1.01 POLICY STATEMENT.

(A) Some developers or proposed new users of the District's system have proposed uses which produce sewage flows in excess of the 3,000 gallons per day per acre flow limitation established in this Code of Laws. Some of such persons have expressed a willingness to contribute funds to the District above and beyond the usual composite connection charge as a surcharge in order to be authorized to discharge in excess of the 3,000 GPDPA (excess flow).

(B) The Board of Trustees has recognized that additional funds are needed to increase the capacities of the constituent parts of the works of the system.

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(C) The Board of Trustees finds that it is desirable to establish a fund to hold any composite connection charge surcharges paid by permittees at the time of issuance of surcharge connection permits. Said fund should be the repository of all surcharge permit fees pending the collection of sufficient funds to commence the installation of parallel sewage collection facilities in areas where the flow burden on the District's system is most severe.

(D) The fund shall be, in the main, applied to increasing capacity (to the extent necessary) in any sewer lines (including sewers owned by others if the ownership thereof is transferred to the District free and clear of liens and encumbrances and, in the case of sewers which have operated as combined storm and sanitary sewers, when separation has been completed) which are a part of the sewer system for which the District collects surcharge funds which are tributary to any part of the District system, and thereafter to any sewers which have reached 80% of dry weather flow capacity.

(E) No connection permit involving a composite connection charge surcharge shall be issued unless all parts of the sewer system into which the flow will traverse shall have sufficient dry weather flow to accommodate the proposed surcharge flow.

(F) No permittee shall be permitted to discharge as a surcharge an amount in excess of 1% of the remaining dry weather flow capacity of the most limited section of the sewage collection system to which the connection is made.

(G) No surcharge connection permits, which exceed, in the aggregate, 3% of the lateral sewer's full capacity, as is partially set forth below, shall be granted permitting connection to any such lateral portions of the system:

<i>Sewer Pipe Diameter</i>	<i>Full Capacity Flow</i>
8-inch sewer	450,000 GPD

(H) No surcharge connection permits which exceed, in the aggregate, 5% of the interceptor portion of the systems full capacity, as is partially set forth below, shall be granted permitting connection to any such interceptor portions of the system:

<i>Sewer Pipe Diameter</i>	<i>Full Capacity Flow</i>
10-inch sewer	710,000 GPD
12-inch sewer	1,032,000 GPD
15-inch sewer	1,613,000 GPD
18-inch sewer	2,300,000 GPD

(I) Capacities of larger diameter sewers shall be as set forth in the Engineer's Handbook.

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(J) Note: Certain combined sewers within the Village of Hinsdale combined sewer system are 36 inches in diameter and connection thereto or use thereof may constitute special cases which will be addressed individually should an application for surcharge permit be presented.

(K) No surcharge connection permits which exceed, in the aggregate, 5% of the lift stations' full capacity shall be granted permitting any connection to a sewer which is tributary to such lift station.

(L) No surcharge connection permit shall be issued unless and until the composite connection charge applicable to the property as calculated under the provisions of Chapter 19 and the composite connection charge surcharge as calculated under the provision of this Ordinance shall have been paid.
(Prior Code, § 12-1.01)

§ 12-1.02 ESTABLISHMENT OF THE SYSTEM CAPACITY RELIEF FUND.

The District hereby establishes a fund to be known as System Capacity Relief Fund to be the repository of any composite connection charge surcharges paid by permittees at the time of issuance of surcharge connection permits. Said Fund shall be the repository of all surcharge permit fees pending the collection of sufficient funds to commence the installation of parallel sewage collection facilities in areas where the flow burden on the District's system is most severe. The District may, by resolution or ordinance, transfer funds from said Fund to the Construction Fund for any specific construction project or to the General Fund to replace funds otherwise used for construction.
(Prior Code, § 12-1.02)

§ 12-1.03 CAPACITY STUDY REQUIRED - DEPOSIT OF STUDY COST.

(A) If a connection permit application is made to the District for a permit to exceed the 3,000 GPDPA limit, the District shall require the applicant to deposit a study cost deposit with the District in the sum of 120% of the estimated cost of such study to pay the cost of a capacity study of the concerned portions of the sewage collection system by the District's consulting engineer or staff person working under the supervision of the District's Executive Director.

(B) Notwithstanding the foregoing to the contrary, where a capacity study will indicate available collection system capacity for parcels of, directly or indirectly, connected property for which connection permit application(s) have been or may in the future be made, such applications for connection permits requesting discharge of more than 3,000 GPDPA shall pay a proportionate share of the capacity study based on the acreage of the parcel applying for a permit as a percentage of the acreage of the entire group of directly or indirectly connected parcels. For example, an application for a five acre parcel located within a group of directly or indirectly connected parcels totaling 100 acres would pay 5% of the cost of the capacity study.

(C) If there are portions of the group of, directly or indirectly, connected parcels of property that will not be connected to or discharge to the District's collection system, e.g., wetlands, bodies of water,

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recreational or park property, inter alia, (“undevelopable parcels”), then a connection permit applicant will pay its proportionate share of the capacity study based on the acreage of the applicant’s parcel as a percentage of the acreage of the entire group of, directly or indirectly, connected parcels that could be connected in the future to the District’s collection system, excluding undevelopable parcels. For example, development of a five acre parcel located within a group of, directly or indirectly, connected parcels totaling 100 acres that also contains ten undevelopable acres would pay 5.5% of the cost of the capacity study.

(D) Upon such deposit, the District shall commission an engineering study to be undertaken in order to ascertain whether or under what circumstances the relevant sewage collection system might provide sufficient capacity which would allow the issuance of a surcharge permit authorizing the connection to the system where the applicant’s flow exceeds the 3,000 GPDPA limit.

(E) Where a connection permit applicant requests discharge greater than 3,000 GPDPA of a parcel of property that is part of a group of, directly or indirectly, connected parcels, the District may, in its discretion, pay the cost of the capacity study without requiring payment of a study deposit. The District will bill each parcel for which a permit application seeking discharge greater than 3,000 GPDPA is submitted. Payment must be made before permit issuance.

(F) Each such report shall be in writing and shall be referred to and be known as the:

“Flagg Creek Water Reclamation District _____ (Date of Study) _____ Remaining Capacity Report for the District Sewage Collection System from the site located at _____ through the elements of the District Sewage Collection System (or those owned by others tributary thereto) commonly described as follows: _____ (Description of Portion of System Analyzed). _____”
--

(G) The person or persons making the report shall certify to the District the percentage of remaining capacity (dry weather flow) in each element of the system studied and where possible make suggestions concerning available methods of supplementing the existing capacity where necessary.

(H) If the deposit is insufficient to complete said study, the District shall request from the applicant such additional deposit or payment as is believed to be sufficient.
(Prior Code, § 12-1.03) (Ord. 738, passed 3-31-2017)

§ 12-1.03(a) TRANSFER OF FLOW ALLOCATION FOR PURPOSES OF CALCULATING SURCHARGE CONNECTION PERMIT FEES.

(A) The recitals in this Ordinance 813 are hereby incorporated herein as if they were fully set forth herein.

(B) (1) Where development or redevelopment of a specific parcel of property (“subject property”) is determined by the owner to be financially unfeasible due to application of the District composite connection charge surcharge (“surcharge”), as assessed in accordance with District Ordinance 738, the

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owner may request that the District authorize a transfer of flow density to the subject property, from another parcel of property, thereby increasing the acreage of the property proposed to be developed, under the following circumstances, where all of the following criteria have been met:

(a) There is no land adjacent to the subject property that will not discharge to the District's treatment facilities, which the owner of the subject property can obtain or add to the subject property;

(b) The owner is unable to make modifications to the proposed use of the subject property which would reduce the proposed water discharge, with a corresponding reduction in the District's surcharge; and

(c) The land from which flow is proposed to be transferred ("transfer property") shall not be property which has been designated as wetlands or otherwise restricted from development by any state agency.

(2) In determining whether to allow a request to transfer flow density, the District may also consider the following, but may grant the request for a transfer even though one of the following elements exist:

(a) The transfer property is further away than 1,000 feet from the subject property; or

(b) The transfer property would not discharge to the District's treatment facility through the same intercepting sewer as does the subject property, if hypothetically, the transfer property discharged any sewage.

(C) If all the criteria set forth in division (B) above are met, then a transfer of flow allocation may be made from the transfer property to the subject property only upon the following terms:

(1) The transfer property must be made subject to a perpetual, restrictive covenant running with the land prohibiting the transfer property from discharging into the District's treatment system;

(2) The owners of the transfer property, the subject property and the District must enter into an agreement for a perpetual restrictive covenant running with the land, which agreement must be approved by the governing boards, or shareholders/directors/owners as appropriate of the parties. The owner of the subject property shall be solely responsible for any payments, charges or consideration paid for the flow transfer; and

(3) The agreement for a perpetual restrictive covenant running with the land shall be recorded with the County Recorder of Deeds, against the transfer property, and a policy of title insurance shall be provided, all at the cost of the owner of the subject property.

(D) Upon satisfaction of the above requirements and criteria, then the District will calculate any surcharge applicable to the subject property based upon the acreage of the subject property and the

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transfer property. If, at any time, the transfer property is no longer subject to the restrictive covenant, or if the transfer property discharges to the treatment facilities of the District, then the transfer of flow allocation to the subject property shall be null and void, and any surcharges upon the subject property shall be calculated or re-calculated as if there had been no transfer of flow allocation, and the person or other entity who owns the subject property at the time the transfer property is no longer subject to the restrictive covenant, or the transfer property discharges to the treatment facilities of the District shall be liable for all such charges.

(Ord. 813, passed 11-15-2007)

§ 12-1.04 ANALYSIS OF STUDY.

Upon the issuance of the report and study thereof by the Trustees, the District shall determine if any portion of the system does not qualify to participate in a surcharge connection permit as a result of inadequate remaining dry weather flow capacity.

(Prior Code, § 12-1.04)

§ 12-1.05 INADEQUATE LATERAL SEWER CAPACITY - ALTERNATIVES AFTER STUDY.

If a lateral portion of the sewer system which is involved with the application does not have sufficient capacity remaining, the District may proceed with one or more of the following:

(A) Deny the application;

(B) Make the application approval subject to the installation of a parallel lateral sewer by the applicant at the applicant's sole cost allowing a recapture agreement for five years; and

(C) Make the application approval subject to the installation of a parallel lateral sewer by the applicant with the financial assistance of the District, with the determination of the division of costs at the sole discretion of the Board of Trustees.

(Prior Code, § 12-1.05)

§ 12-1.06 INADEQUATE LIFT STATION(S) CAPACITY - ALTERNATIVES AFTER STUDY.

If any lift station facility in the portion of the sewer system which is involved with the application does not have sufficient capacity remaining, the District may proceed with one or more of the following:

(A) Deny the application;

(B) Make the application approval subject to the increasing of the capacity of the lift station by the applicant at the applicant's sole cost allowing a recapture agreement for five years; and

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(C) Make the application approval subject to the increasing of the capacity of the lift station with the financial assistance of the District, with the determination of the division of costs at the sole discretion of the Board of Trustees.

(Prior Code, § 12-1.06)

§ 12-1.07 INADEQUATE INTERCEPTOR SEWER CAPACITY - ALTERNATIVES AFTER STUDY.

If any interceptor portion of the sewer system which is involved with the application does not have sufficient capacity remaining, the District may proceed with one or more of the following:

(A) Deny the application;

(B) In such case where it is possible and would increase capacity, the District may reach a mutual financial arrangement with the applicant to line with plastic (insituform) such portion of such interceptor as would sufficiently increase the available capacity to that sought by the applicant (either by modifying the coefficient of friction or decreasing extraneous inflows); and

(C) Such other steps as the District believes will provide capacity, but not endanger the health and security of the inhabitants of the District, the cost of which will be equitably shared by the applicant and the District, as determined by the Board of Trustees.

(Prior Code, § 12-1.07)

§ 12-1.08 BOARD DETERMINATION TO ISSUE SURCHARGE PERMITS - FUND DISPOSITION.

If there is capacity in the concerned sewer system (whether existing or created by the proceeding in accordance with the above sections), the Board of Trustees may determine that it will authorize issuance of a permit authorizing excess flow over and above the 3,000 GPDPA. The issuance of any such permit shall be conditioned upon payment by the applicant to the District of both the composite connection charge calculated for the total flow pursuant to Chapter 19 and the composite connection charge surcharge calculated for the excess flow beyond the normal flow of 3,000 GPDPA calculated according to the applicable formula as is set forth below. The surcharge connection permit shall state the specific limitations of the surcharge flow in excess of 3,000 GPDPA. Violation of any provision of either of such permits may be grounds for the revocation of such permits as well as the other remedies set forth below. When paid, the funds shall be transferred to the System Capacity Relief Fund.

(Prior Code, § 12-1.08)

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§ 12-1.09 REJECTION OF APPLICATION

(A) The District shall reject any and all applications to discharge excess flow into any component of the sewage collection system sewer line which a study commissioned by the District shows to have existing dry weather flow in excess of 75% of maximum design capacity, as set forth above in § 12-1.01, for the sewer sizes listed therein or in the Civil Engineer's Handbook, unless the applicant accepts one or more of the applicable alternatives set forth in §§ 12-1.05, 12-1.06 or 12-1.07 or such other conditions as the Board of Trustees of the District might mandate.

(B) In any such case, the applicant shall be entitled to bring the matter before the Board of Trustees in accordance with the procedure set forth in § 11-1.02.
(Prior Code, § 12-1.09)

§ 12-1.10 SECTION 11 VARIATION PROCEEDINGS REQUIRED.

(A) If the Board of Trustees ascertains that there is sufficient capacity, subject to the foregoing limitations, the Board shall set a date for a § 11-1.02 public hearing on the variation proceedings.

(B) The application, the District's capacity study and such other information as may be pertinent shall come before the Board at such hearing.

(C) If the Board of Trustees grants a § 11-1.02 variation, the composite connection charge surcharge for the subject parcel of the application shall be determined as set forth herein.
(Prior Code, § 12-1.10)

§ 12-1.11 PROCEDURE AFTER GRANTING OF VARIANCE - CLASSIFICATION OF USES - CALCULATION OF COMPOSITE CONNECTION CHARGE SURCHARGE.

(A) There is a finite capacity to any sanitary sewage collection system. The allocation of such capacity is subject to a reasonable classification. The Trustees of the District have long and carefully considered, first, the principal of allowing any capacity beyond the 3,000 GPDPA to be allocated to any parcel and then having determined to do so and, second, the manner of classifying the various types of users based upon the benefit of such users to the community at large. The Board of Trustees has determined a classification of users and potential users of the works of the system and developed a methodology for ascertaining appropriate composite connection charge surcharges.

(B) The Board of Trustees of the District hereby establishes the following classifications of land uses and/or users and importance to the community for the purposes of establishing a composite connection charge surcharge rate for each of such categories. The categories shall be applicable whether the building is a new structure or the existing structure is being added to. More than one category may have the same rate.

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(C) The District hereby establishes the following classification of lands or properties or uses thereof in the order of priority for allocation of sewage capacity:

- (1) Hospitals;
- (2) Public buildings (including swimming pools), village halls, police stations, post offices and the like;
- (3) Schools - public;
- (4) Churches, including church schools;
- (5) Schools - private (but not with commercial curriculum);
- (6) Single-family residential and planned development duplexes and quadraplexes which are a part of the development of a larger tract;
- (7) Retirement or convalescent homes;
- (8) Other multi-family residential units, including condominiums, town homes regardless of ownership and rental status;
- (9) Local area stores - mercantile uses, drug stores, local grocery stores, other similarly sized stores, including small restaurants, under 100 seating spaces which principally cater to local trade;
- (10) Other small businesses (with less than ten employees);
- (11) Small office buildings under 10,000 square feet of floor area, not including medical doctor's or dental offices;
- (12) Medium sized businesses (with ten to 50 employees) in a separate building or structure;
- (13) Area wide stores including supermarkets, department stores, furniture stores and other stores and restaurants catering to wide area customer base;
- (14) Commercial office buildings in excess of 10,000 square feet of floor area, and those lesser in size which include medical doctor's or dental offices buildings, and buildings including athletic clubs (with or without swimming pools);
- (15) Shopping centers, including restaurants and standalone restaurants with over 100 seats;
- (16) Theaters, including those with restaurants;

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(17) Hotels and motels, including restaurants associated therewith;

(18) Large sized businesses (with 50 to 500 employees) in a separate building, structure or complex or structure;

(19) Automobile dealerships and large commercial offices having a population density of greater than 500; and

(20) Warehouses.

(D) The listing shall not be deemed to be exhaustive; therefore, the Board of Trustees reserves the right to categorize any other use which has been omitted in the appropriate relative category at its sole discretion.

(Prior Code, § 12-1.11)

§ 12-1.12 APPLICATION OF COMPOSITE CONNECTION CHARGE SURCHARGE TO DIFFERENT CLASSIFICATION OF USES.

(A) The following formulas shall be applied to the above listed categories. The composite connection surcharge shall be based on the then current numerical equivalent home (EQH).

X = GPD/acreage of site
Y = The cost per EQH (currently is entitled to discharge 350 gallons per day (GPD) per acre without surcharge)
Z = A constant dollar amount which is dependent upon the current equivalent home (EQH) composite connection charge. Such charges were increased by the Ordinance enacted January 17, 2002 and may change, from time to time, by future Board action. As future enactment of ordinances modify the composite connection charges, the values established in this section shall be modified by resolution of the Board of Trustees as necessary to properly reflect the intent of the Board of Trustees of the District.
Note: There is a special formula for those existing users whose building, structure or complex is situated on a parcel of land in excess of 10 acres in size and which are directly connected to a combined sewer line at least 36 inches in diameter which is owned by a municipality other than the District.

<i>Special Classification:</i>
Y = 0.05 X + Z (where Z = 100)

<i>By Specified Listed Classifications:</i>	
A:	Y = 0.25 X + Z (where Z = \$250)
B, C and D:	Y = 0.50 X + Z (where Z = \$500)
E:	Y = 0.75 X + Z (where Z = \$250)

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<i>By Specified Listed Classifications:</i>	
F:	$Y = 1.0 X + Z$ (where $Z = \$1,000$)
G:	$Y = 1.25 X + Z$ (where $Z = \$1,750$)
H, I, J and K:	$Y = 1.5 X + Z$ (where $Z = \$2,500$)
L, M, N and O:	$Y = 1.75 X + Z$ (where $Z = \$3,250$)
P, Q, R, S and T:	$Y = 2 X + Z$ (where $Z = \$4,000$)

(B) In any case where the user is connected to one or more lift stations which are downstream from the user, the sum of \$100 shall be added to the aforesaid surcharge for each of such lift stations for each equivalent home (EQH) connecting under a surcharge permit.

(C) Example of operation of formula:

Assume a category F applicant with the following facts:		
Acreage 2.97 all of which is committed at 268 GPDPA		
Seeking to enlarge the structure and increase the effluent flow by 3,740 GPDPA to a new total discharge amount of 16,659 GPD from the site.		
	$Y = 1.0 X - 1,000$	
	$= 1(5,609.1) - 1,000$	
	$= 4,609.1$	
	$13.954 \text{ EQH} \times 4,609.1 = \$64,315.38$	
Plus:		
Lift station surcharge:	$\$100 \times 1,395.40$	1,395.40
Total composite connection charge surcharge		\$65,710.78

(Prior Code, § 12-1.12)

§ 12-1.13 AGREEMENT BETWEEN APPLICANT AND DISTRICT - COVENANT RUNNING WITH THE LAND - LIMIT ON FUTURE CONNECTION PERMITS.

(A) No surcharge connection permit shall be issued without acceptance by the applicant of the determination of the Board of Trustees as to the terms of the variance, the classification of use, the application of the formula for the calculation of the surcharge amount and the resultant amount of the surcharge.

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(B) Such acceptance shall be incorporated in a covenant running with the land which will specify the following:

- (1) The legal description and acreage of the property;
- (2) The ownership thereof;
- (3) That the property is the subject of an application for a variance of the 3,000 GPDPA limit and a surcharge connection permit;
- (4) The specific amount of the composite connection charge surcharge established by the Board pursuant to the formula set forth in § 12-1.12 (2002);
- (5) That no connection shall be made until any improvements required by the District shall have been completed;
- (6) That no new application for connection permit for said property will be accepted by the District for such parcel until the sewage collection system upgrades are on line; and
- (7) That the District may, at the sole discretion of the Board of Trustees, hear a future application for a variance and surcharge connection permit on a site which has already received such a permit, but not before five years have elapsed since the issuance of the last such permit.
(Prior Code, § 12-1.13)

§ 12-1.14 ABUSE OF PERMITTED FLOW - PROHIBITION - NOTICE OR KNOWLEDGE - SURCHARGE ON SEWER SERVICE CHARGE RATE.

(A) Under the Code of Laws of 1980, § 19-1.08, it states “One year after full occupancy of any non-residential building or structure is achieved a reanalysis shall be undertaken to ascertain the correctness of the original amounts”. Similar language appears on the connection permit and the permittee is directed to notify the District when such “full occupancy has been attained”. To the date of the enactment of this Ordinance, no permittee has so advised the District. The permittee, owner and/or user who have been so charged since 1980 are again hereby charged with the responsibility of maintaining a sewage effluent flow within the limits of both the connection permit issued under the provision of Chapter 19, irrespective of the GPDPA specified therein and the 3,000 GPDPA Chapter 11 limitation. If a surcharge connection permit has been issued, the limit shall become the limit set forth therein.

(B) The permittee or user or both shall notify the District if, and when, any of the following conditions exist or have existed since the connection permit was issued:

- (1) The flow emanating from the building, structure or complex exceeds or has exceeded the permitted flow established in Chapter 11, to wit 3,000 GPDPA;

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(2) The flow emanating from the structure or complex exceeds or has exceeded the permitted flow as may be established by a surcharge permit; and

(3) The flow emanating from the structure or complex exceeds or has exceeded the permitted flow established by a surcharge connection permit by 5% for more than two months in any six-month period.

(C) At the time that the permittee or user informs the District of the violation of permit, the permittee or user shall inform the District of what steps he, she, they or it is taking to reduce effluent flow. The District shall monitor such efforts. If, within three months thereafter, the permittee or user cannot or does not reduce the effluent flow to the permitted amount, the District shall proceed as set forth herein. In the event that, without notice from the permittee or user, the District ascertains that the sewage effluent flow exceeds the permitted flow, whether the 3,000 GPDPA or that permitted by a surcharge connection permit the following shall occur.

(1) The District shall serve written notice upon the user at the billing address and shall inform the user that the user is in violation of the connection permit and the 3,000 GPDPA or surcharge permit, as the case may be and direct the user that the District has scheduled the matter on the agenda of the Board of Trustees specifying a date certain.

(2) The user, or its authorized representative and counsel, if the user so determines, shall appear before the Board of Trustees on said date certain.

(3) At the Board meeting, the user's authorized representative shall exhibit the written authority to represent the user. If the authority is valid, the Board shall hear what the representative has to say concerning the efforts to limit the flow to the permitted flow and accept exhibits for review and verification. The District staff shall add what it is able to concerning the matter. The Board may, if conditions warrant, continue the meeting to another fixed date.

(4) After all of the material and information has been presented to the Board, whether at the original hearing or a continued hearing, the Board shall deliberate on the matter and come to one or more of the following conclusions:

(a) That the user's permit for connection to the District system shall be revoked and the building service line shall be plugged at the manhole and the building "red-tagged" and declared unfit for occupancy;

(b) That the user shall be required to reduce the intensity of use for the building, structure or complex by closing off a sufficient portion thereof to reduce the effluent flow so that it meets the flow authorized by the connection permit;

(c) If the user cannot come within the 3,000 GPDPA limits, the District may require that the user shall be required to install, before the outlet to the District sewage collection system, an

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underground tank into which the excess flow will be routed to be held until the normal daily flow rate will allow the pumping of the held effluent into the District system; and

(d) In the case where the permittee was not then operating under a surcharge connection permit or five years have elapsed since the last surcharge connection permit had been issued, the District shall require the user to make application for a Chapter 11 variance. If such variance is granted, and the appropriate composite connection charge surcharge is paid and the other requirements of this Ordinance have been complied with thereby authorize flow in excess of the 3,000 GPDPA. In all such cases, the applicant and permittee shall be bound by the decision of the Board of Trustees.

(D) In all cases after the District has received notice or knowledge of any permittee's or user's flow in excess of the permitted 3,000 GPDPA flow or such greater flow as shall have been authorized after hearing and issuance of a surcharge permit and has notified the permittee in writing of the violation of the terms of the 3,000 GPDPA flow or surcharge permit flow, until such excess flow is reduced to the permitted flow, or the permitted flow is increased in the manner provide for herein, the District shall add an excess flow surcharge to the sewer service charge bill in the amount as follows.

(1) If the excess flow exceeds 5%, but not 10% of the permitted flow, a 100% surcharge shall be added to the bill.

(2) If the excess flow exceeds 10%, but not 30% of the permitted flow, a 200% surcharge shall be added to the bill.

(3) If the excess flow exceeds 30% of the bill, a 500% surcharge shall be added to the bill.

(E) At such time as the flow is brought within the permitted amount, the excess flow surcharge shall cease.

(F) If the user has been found to be in violation of Chapter 19 and the Chapter 19 excess flow surcharge shall be in effect, the foregoing shall not be applied so long as the Chapter 19 excess flow sewer service charge billing surcharge is in effect.

(G) If any sewer service charge bill which includes a surcharge is not paid within 30 days of mailing, the District may proceed with disconnection of the building, structure or complex from the District system.

(Prior Code, § 12-1.14)

CHAPTER 13: SEWAGE DISPOSAL - PRIVATE

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Section

Article 1. General Provisions

- 13-1.01 Public sewer unavailable
- 13-1.02 Emptying private system - disposal
- 13-1.03 Public sewer available
- 13-1.04 Removal from service
- 13-1.05 Operation of private disposal system
- 13-1.06 Certain private systems - prohibition
- 13-1.07 Non-interference with more strict requirements

Article 2. Agreements

- 13-2.01 Private sewage treatment plants - new - prohibition
- 13-2.02 Condemnation
- 13-2.03 Agreements
- 13-2.04 Agreements - terms
- 13-2.05 Agreements - life
- 13-2.06 Agreement - termination - extension

ARTICLE 1. GENERAL PROVISIONS

§ 13-1.01 PUBLIC SEWER UNAVAILABLE.

Where a public sanitary sewer is not available as provided for herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the most restrictive regulations of the District or municipal authority of the city, village, county or state wherein such system is located.

(Prior Code, § 13-1.01)

§ 13-1.02 EMPTYING PRIVATE SYSTEM - DISPOSAL.

A permit from the District shall be required to empty a private septic system tank. The permit shall be conditioned upon proper disposal of the removed wastes and reporting disposition thereof to the District by the person doing the removal. Failure to have a permit or to report thereon shall subject both the owner and the person doing the removal to the penalties set forth hereinafter.
(Prior Code, § 13-1.02)

§ 13-1.03 PUBLIC SEWER AVAILABLE.

Where there is a public sewer available to serve the building or structure and the private disposal system becomes defective or unusable, connection shall be made to the public sewer in compliance with this Ordinance.
(Prior Code, § 13-1.03)

§ 13-1.04 REMOVAL FROM SERVICE.

Upon connection to public sewer, the private disposal system shall be abandoned and it shall be destroyed so that no ground water may enter the building service line trench in the following manner: septic tanks shall be emptied of all sewage, the outlets sealed and the tank filled with granular material.
(Prior Code, § 13-1.04)

§ 13-1.05 OPERATION OF PRIVATE DISPOSAL SYSTEM.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner, at all times, at no expense to the District.
(Prior Code, § 13-1.05)

§ 13-1.06 CERTAIN PRIVATE SYSTEMS - PROHIBITION.

Use or construction of privies, privy vaults and cesspools are prohibited.
(Prior Code, § 13-1.06)

§ 13-1.07 NON-INTERFERENCE WITH MORE STRICT REQUIREMENTS.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the State Environmental Protection Agency, the State Department of Public Health, the DuPage and Cook County Health Departments, the Metropolitan Water

Reclamation District of Greater Chicago and any of the various villages located in full or in part within the District controlling the construction, use or maintenance of private sewage disposal systems.
(Prior Code, § 13-1.07)

ARTICLE 2. AGREEMENTS

§ 13-2.01 PRIVATE SEWAGE TREATMENT PLANTS - NEW - PROHIBITION.

It is hereby declared to be the policy of the District in order to prevent pollution of waters that private sewage treatment plants are hereby prohibited to be constructed and/or operated within the legal jurisdiction of the District.
(Prior Code, § 13-2.01)

§ 13-2.02 CONDEMNATION.

The Board of Trustees shall, in furtherance of said policy, exercise its power of eminent domain and condemn such systems where agreements cannot be entered into between the District and property owners as are hereinafter authorized to prevent continued operation of or installation of privately-owned sewage treatment plants.
(Prior Code, § 13-2.02)

§ 13-2.03 AGREEMENTS.

In order to encourage removal and/or to discourage construction of private sewage treatment plants, the Board of Trustees shall have the power to enter into agreements with owners of tracts of land of five acres or more in the District or adjacent thereto to service such tracts by contract, charging such sums for said service as the Board of Trustees deems appropriate considering the ultimate advantage to the District and the citizens thereof of preventing the possibility of pollution of waters by elimination of privately-owned sewage disposal systems.
(Prior Code, § 13-2.03)

§ 13-2.04 AGREEMENTS - TERMS.

The terms of such agreements may include provisions which deviate from the charge schedules of the District, if the judgment of the Board of Trustees of the District is that a deviation in such schedules is desirable to prevent possible pollution of waters, and such determination is set forth in such agreement.
(Prior Code, § 13-2.04)

§ 13-2.05 AGREEMENTS - LIFE.

The District may enter into such agreements for a period of not to exceed ten years.
(Prior Code, § 13-2.05)

§ 13-2.06 AGREEMENTS - TERMINATION - EXTENSION.

In any case, after ten years shall have elapsed from the time of entry into such agreement, if the property which is the subject matter of said agreement is within the District boundaries, thenceforth, the ordinary charges of the District for service shall apply including the amounts of general taxes attributable to said property and any special use charges which the District may assess upon the property owners from time to time by ordinance or resolution relating to excess use of District facilities or excess burden on District facilities, as is described in the general ordinance of the District. In the event that the property is not within the District, a supplementary agreement shall be entered into, extending the services for additional periods of not to exceed ten additional years on terms and conditions agreeable to the Board of Trustees of the District at the time of extension.
(Prior Code, § 13-2.06)

CHAPTER 14: SEWAGE DISPOSAL - PUBLIC - SEWERS

CHAPTER 14: SEWAGE DISPOSAL - PUBLIC - SEWERS

Section

- 14-1.01 Public sewers - permit
- 14-1.02 Combined sewers - prohibition
- 14-1.03 Untreated waste - surface - prohibition
- 14-1.04 Certain waters - prohibition
- 14-1.05 Certain waters - regulation
- 14-1.06 Industrial wastes - regulation
- 14-1.07 Regulation of controlled wastes or waters
- 14-1.08 Private disposal systems interconnection prohibited
- 14-1.09 Certain wastes; prohibited
- 14-1.10 Special substance traps
- 14-1.11 Regulation of substance in waste and flow rates thereof
- 14-1.12 Pretreatment or storage and timed release requirement
- 14-1.13 Connection to public system
- 14-1.14 Connection to public system - existing structures
- 14-1.15 Inspection of premises to ascertain compliance
- 14-1.16 Stop orders
- 14-1.17 Agreement
- 14-1.18 No grandfather clause - special agreement permitted

§ 14-1.01 PUBLIC SEWERS - PERMIT.

It shall be unlawful for any person, not an authorized employee or agent of the District, to make any connection with or opening into, use, alter or disturb any District sewer or open any manhole, intercepting chamber or any appurtenance thereof, or make a connection with any sewer tributary to the works of the system inside or outside the District, without first filing a written application with the District and obtaining a written permit from the District to do so and, where applicable, to pay the composite connection charges and/or sewer extension charges applicable thereto. Provided, however, nothing in this section shall prevent the authorized employees or agents of any municipality within the District from opening, inspecting, cleaning or repairing any sewer or manhole belonging to the system owned by such municipality.

(Prior Code, § 14-1.01)

§ 14-1.02 COMBINED SEWERS - PROHIBITION.

It shall be unlawful to construct combined sewers within the District or within 15 miles of the District and it shall be unlawful to connect any existing combined sewer to any sewer tributary to the works of the system.

(Prior Code, § 14-1.02)

§ 14-1.03 UNTREATED WASTE - SURFACE - PROHIBITION.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner, upon public or private property within the boundaries of the District, or any area under the jurisdiction of said District, any human or animal excrement, garbage or other waste having a chemical constituency regulated by this ordinance, or any substance or object capable of causing obstruction to the flow into or in sewers or causing interference with the proper operation of the sewage treatment plant.

(B) It shall be unlawful to discharge to any natural outlet within the District, or any area under the jurisdiction of said District, any sanitary sewage, industrial wastes or polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance. Percolation of waters from over-taxed or defective private sewage disposal systems shall be considered to be a violation of the foregoing prohibitions.

(Prior Code, § 14-1.03)

§ 14-1.04 CERTAIN WATERS - PROHIBITION.

It shall be unlawful to discharge, or cause to be discharged, any storm water, surface water or ground water into any inlet tributary to the works of the system. Where combined sewers exist within the District and are owned by a municipality, they shall be phased out of service within five years after the adoption of this Ordinance.

(Prior Code, § 14-1.04)

§ 14-1.05 CERTAIN WATERS - REGULATION.

Cooling waters and industrial process waters may be discharged to a sanitary sewer tributary to the works of the system only with the written permission of the District and on such terms as provided by the Board of Trustees from time to time.

(Prior Code, § 14-1.05)

§ 14-1.06 INDUSTRIAL WASTES - REGULATION.

(A) It shall be unlawful to discharge or cause to be discharged industrial wastes into any sewer tributary to the works of the system unless the concentration of the constituent chemicals are within the limits described herein for domestic wastes.

(B) If the concentrations are not within the specified limits, the District shall have the following alternatives to apply to the situation.

(1) The District may specially treat the effluent of the user under special permit, charging additional charges related to the cost of removal of the chemicals not normally permitted in the effluent or in excess of the concentrations permitted. Board approval is required for such action and a resolution shall be enacted setting the terms of such permit.

(2) The District may require pretreatment by facilities to be constructed and operated by the user under special permit. In the case of permit for pretreatment, no connection shall be made to District sewers until the pretreatment facility has been given District approval as to design and construction and an operation permit has been issued.

(3) The procedures to be followed to obtain a permit under this section shall be established by the Board and until they have been established those procedures set forth below in § 14-1.07 shall be applicable.

(Prior Code, § 14-1.06)

§ 14-1.07 REGULATION OF CONTROLLED WASTES OR WATERS.

Whenever, under this Ordinance, wastes or waters other than domestic wastes are permitted to be discharged into sewers tributary to the works of the system, the following procedure shall be followed prior to connection to such sewer.

(A) Application to connect shall be filed specifying the nature of the wastes including strength, chemical constituency and temperature, times of discharge and flow rates.

(B) The Director shall analyze the information and determine whether the connection will result in the requirement of pretreatment, storage and timed release or other regulation and whether the industrial cost recovery system and special rates for the user charge system will become applicable. The Director shall advise the Trustees of the facts and circumstances concerning the application in writing and at a regular meeting of the Board. The applicant shall have the right to appear before the Board at the meeting during which the discussions are scheduled. The Director shall notify the applicant of the date of the meeting when the application is on the agenda.

(C) The Board of Trustees shall consider the information presented by the Director and any interested parties and shall, by resolution, fix the connection charge, set any special requirements for

pretreatment or storage and timed release, set any special charges, establish the applicability of the ICRS and set any special rates for the UCS.

(D) If the applicant was not present upon adoption of the resolution, the applicant shall be informed of the action of the Board. Payment of the fees and acceptance of the permits constitutes acceptance of the findings and the resolution.

(E) The applicant may elect to provide additional or modified information for further consideration of the Board. The Board may adopt an amended resolution based upon the information provided or other information known to it. Payment of the fees and acceptance of the permit based on the amended resolution constitutes acceptance of the Board's findings and the amended resolution.

(F) In the event that, after the resolution is enacted, a material change in circumstances occurs, the applicant may present the information to the Director who will assess the impact thereof and if the impact results in:

(1) A change of in excess of 10% of the established periodic charge; and

(2) Suggested removal from the ICRS or pretreatment requirement, the information shall be reconsidered by the Board and if appropriate the original resolution shall be amended.

(G) At any time after the enactment of any such resolution, it becomes known to the District that the resolution was based upon incomplete or erroneous information or that the circumstances have changed and the burden to the District has been increased beyond that which was reasonably anticipated at the time of the passage of the resolution, the Board may request additional up to date information and based upon such new information may:

(1) Determine to require pretreatment and/or storage and timed release;

(2) Determine the applicability of ICRS; and

(3) Assess additional UCS charges.

(H) The Director may, at any time, order the user to provide such information as is required for the District to make the same kind of analysis as would be made upon application for connection to determine the accuracy of the information known to the District.

(Prior Code, § 14-1.07)

§ 14-1.08 PRIVATE DISPOSAL SYSTEMS INTERCONNECTION PROHIBITED.

It shall be unlawful to connect any private building cesspool, underground privy, privy vault or any other channel conveying sewage to any sewer tributary to the works of the system.

(Prior Code, § 14-1.08)

§ 14-1.09 CERTAIN WASTES; PROHIBITED.

Except as otherwise provided in this Ordinance, it shall be unlawful to discharge, or cause to be discharged, any of the following described sewage or wastewater or other wastes into any sewer discharging, directly or indirectly, into a sewer tributary to the works of the system:

(A) Any liquid or vapor discharge from an industrial plant having a temperature higher than 150°F;

(B) Any water or wastes which may contain more than 100 PPM by weight of fat, oil or grease;

(C) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquids, solids or gases;

(D) Any garbage or vegetable parings that have not been properly shredded (see definition of ***GARBAGE SHREDDED***);

(E) Shredded garbage or vegetable parings are permitted only from residential facilities;

(F) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, leaves, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the collection system or the sewage treatment plant;

(G) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the works of the system;

(H) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the sewage treatment plant or to injure or interfere with any sewage treatment process;

(I) Any waters or wastes containing suspended solids of such character and in such quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(J) Any noxious or malodorous gas or substance capable of creating a public nuisance; and

(K) Any waters or wastes at flow rates more intense than the normal flow rates as defined herein. (Prior Code, § 14-1.09)

§ 14-1.10 SPECIAL SUBSTANCE TRAPS.

Grease, oil and sand or grit traps shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any

inflammable wastes, sand or grit, or other harmful ingredients; except that such traps shall not be required for private living quarters or multiple dwelling units other than hotel and apartment buildings. All traps shall be of type and capacity approved by the District and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand traps shall be maintained by the owner, at his or her expense, and in a continuously efficient operation at all times. (Prior Code, § 14-1.10)

§ 14-1.11 REGULATION OF SUBSTANCE IN WASTE AND FLOW RATES THEREOF.

The admission into sanitary sewers tributary to the works of the system of any wastes or waters having the following characteristics shall be subject to review and approval of the District and such regulations shall include payment to the District of the cost of treatment thereof for any costs to the District in excess of the cost of treatment of domestic wastes:

(A) A five day BOD greater than 300 PPM, by weight;

(B) Containing more than 350 PPM, by weight, of suspended solid;

(C) Containing any quantity of substances having the characteristics described in § 22-1.11; or

(D) Having an average design flow greater than 2% of the average design flow of the District. (Prior Code, § 14-1.11)

§ 14-1.12 PRETREATMENT OR STORAGE AND TIMED RELEASE REQUIREMENT.

Where necessary, in the opinion of the District, the owner shall provide, at his or her expense, such preliminary treatment or storage and timed release as may be required to:

(A) Reduce the BOD to 300 PPM and the suspended solids to 350 PPM, by weight;

(B) Reduce objectionable characteristics and constituents to within the maximum limits provided in § 22-1.11; or

(C) Control the quantities and rates of discharge of such waters and wastes into the District system. (Prior Code, § 14-1.12)

§ 14-1.13 CONNECTION TO PUBLIC SYSTEM.

The owner or builder of any new homes, buildings or structure to be used for human occupancy, employment or other purpose, hereinafter constructed on any property within the boundaries of the

District where any point of said property is located within 1,000 feet of a public sanitary sewer, shall be required, at his or her own expense, to construct suitable toilet facilities thereon, and to connect such facilities with said sanitary sewer in accordance with the provisions of this Ordinance.

(Prior Code, § 14-1.13)

§ 14-1.14 CONNECTION TO PUBLIC SYSTEM - EXISTING STRUCTURES.

The owner of any house, building, structure or property presently existing within the boundaries of the District, and used for human occupancy, employment, recreation and other purposes, and where any point of said property on which said house, building or structure is located within 250 feet of any public sanitary sewer, and the present sewage facilities for said house, building or structure are now or hereafter deemed defective, insufficient and ineffective by the District or by the proper officer of any city, village or county, shall be required, at his or her own expense, to connect the toilet facilities therein to the public sanitary sewer of the District in accordance with provisions of this Ordinance.

(A) Whenever the District, or a duly authorized officer of any city, village or county located within the boundaries of said District, shall deem it advisable to require any owner of any property within said District to connect his or her toilet facilities with a public sanitary sewer as hereinabove provided, a notice of such direction shall be mailed to the last known address of the owner, tenant or to the occupant of said property ordering the connection of the toilet facilities of such house, building or structure to the public sanitary sewer in the District within 90 days after date of such notice.

(B) The failure of any owner, tenant, occupant or builder to install such toilet facilities and/or to connect such toilet facilities to the public sanitary sewer of the District within the specified period in said notice shall be deemed, held and construed to be in violation of this provision and punishable as hereinafter provided.

(C) No such connection shall be made to a sewer which is tributary to the works of the system, except upon proper application and payment of the composite connection charge and issuance of a connection permit.

(Prior Code, § 14-1.14)

§ 14-1.15 INSPECTION OF PREMISES TO ASCERTAIN COMPLIANCE.

The District Executive Director shall have the power to, and shall, cause an inspection or inspections to be made, from time to time, of the premises of any and all factories, industries, garages, dwellings and other places of business and places which come under the jurisdiction of the District, the sewage or wastes from which are, or may be, discharged, deposited or find their way, either directly or indirectly, into Flagg Creek, Salt Creek, Ginger Creek or any other watercourse within the jurisdiction of the District, or into any sewer or the sewage system of the District, for the purpose of ascertaining whether any such factory, industry, garage or other place of business or the occupant or owner of any dwelling

is complying with the terms and provisions of the ordinances, resolutions, rules and regulations of the District and shall report, from time to time, to the Board of Trustees the result or results of such inspection or inspections.

(Prior Code, § 14-1.15)

§ 14-1.16 STOP ORDERS.

The District shall have the power to stop and prevent free discharge into any District sewer or any other sewer discharging, directly or indirectly, into the works of the system from any private building sewer through which substances are discharged, which are liable to injure or seriously obstruct the flow in same.

(Prior Code, § 14-1.16)

§ 14-1.17 AGREEMENT.

The District shall have the power to stop and prevent free discharge into any District sewer or any other sewer discharging, directly or indirectly, into the works of the system from sources outside of the District. The District may enter into a written agreement with the discharging person permitting the same, upon agreement to pay additional treatment costs in which case such discharge may be permitted.

(Prior Code, § 14-1.17)

§ 14-1.18 NO GRANDFATHER CLAUSE - SPECIAL AGREEMENT PERMITTED.

No statement contained in this chapter shall be construed as creating any grandfather clause permitting continued flows into the collection system which are prohibited by this Ordinance or preventing any special agreement or arrangement between the District, any municipality or any person whereby waste industrial or otherwise of unusual strength or character including effluent from combined sewers, may be accepted by the District for treatment, subject to payment therefor of the additional cost of treatment by the municipality or person as prescribed by the District.

(Prior Code, § 14-1.18)

CHAPTER 15: SEWAGE DISPOSAL - PUBLIC - SEWERS - CONSTRUCTION

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Section

- 15-1.01 Adoption of standard specifications
- 15-1.02 Plans - sanitary sewer required - approval
- 15-1.03 Plans - storm sewer required - approval
- 15-1.04 Special criteria
- 15-1.05 Standard specifications for lift stations
- 15-1.06 Plans - required approval

§ 15-1.01 ADOPTION OF STANDARD SPECIFICATIONS.

(A) The District hereby adopts, as its standard specifications, those specifications found in the document entitled *Standard Specifications for Sanitary Sewer and Water Main Construction* (most recent edition) as amended, from time to time.

(B) To the extent such specifications may be incomplete, the District supplements said standards by the additional standards and procedures set forth below; however, in the event of conflict, the aforesaid standards shall govern.

(Prior Code, § 15-1.01)

§ 15-1.02 PLANS - SANITARY SEWER REQUIRED - APPROVAL.

No sanitary sewer or portion thereof which is designed and is to be constructed so as to constitute an integral part of the system of sanitary sewers discharging, directly or indirectly, into any sewer tributary to the works of the system shall be constructed until and unless the District has been furnished with two complete sets of plans and specifications prepared and sealed by a state registered professional engineer and such plans and specification meet the approval of the District.

(Prior Code, § 15-1.02)

§ 15-1.03 PLANS - STORM SEWER REQUIRED - APPROVAL.

No storm sewer, which is designed and is to be constructed within the jurisdiction of the District, shall be constructed until and unless the District has been furnished with two complete sets of plans and

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specifications, prepared and sealed by a state registered professional engineer and such plans and specifications meet the approval of the applicable municipality or public governing body having jurisdiction thereof.

(Prior Code, § 15-1.03)

§ 15-1.04 SPECIAL CRITERIA.

The following criteria shall be adhered to in the design of all sanitary sewers and in the writing of specifications for all sanitary sewers.

(A) Plans and specifications for new sewers or extensions of old sewers shall not be approved by the District unless the new sewers are designed as sanitary sewers only, from which storm waters from roofs, streets and other areas, and ground water from foundation drains and any other subsurface drains are by design and construction to be excluded.

(B) Sewer systems or constituent parts thereof shall be designed for the estimated ultimate tributary population, except that for parts of the system having limited immediate use and that can be readily increased in capacity, such as lift station impellers and motors, may with District approval be sized for less than ultimate loadings. All such plans shall address serving the maximum anticipated populations of institutions existing or pending.

(C) In determining the required capacities of sanitary sewers, the following factors shall be considered:

- (1) Maximum hourly quantity of sewage;
- (2) Additional maximum sewage or waste from industrial plants;
- (3) Ground water infiltration;

(4) Per capita flow, sewer systems constructed after the effective date of this Ordinance shall be designed on the basis of an average daily per capita flow of sewage of not less than 100 gallons per day. This figure is assumed to cover normal infiltrations, but an additional allowance shall be made at District direction where the ground water or soil conditions are deemed unfavorable and the aforesaid capacity inadequate. Sewers shall be designed to carry, when running full, not less than the following daily per capita contributions of sewage, exclusive of sewage or other waste from industrial plants:

- (a) Laterals and sub-main sewers - 400 gallons; and
- (b) Main, trunk and outfall sewers - 250 gallons.

(5) When deviations from the foregoing per capita rates are demonstrated, a brief description of the procedure used for making the calculations for the sewer design shall be included with the plans and specifications;

(6) No public sewer line or building service line serving more than one structure shall be less than eight inches in diameter;

(7) In general, where terrain characteristics permit, sewers shall be designed deep enough to drain basements and to prevent freezing;

(8) (a) 1. All sewers shall be so designed and constructed as to give mean velocities, when flowing full, of not less than two feet per second, based on Kutter’s formula using an “n” value of 0.013. Use of other practical “n” values may be permitted by the District if deemed justifiable on the basis of research or field data presented.

2. The following are the minimum slopes which shall be provided; however, slopes greater than these are desirable:

<i>Sewer Size</i>	<i>Minimum Slope in Feet per 100 Feet</i>
8 inches	0.40
10 inches	0.28
12 inches	0.22
14 inches	0.17
16 inches	0.14
18 inches	0.12
21 inches	0.10
24 inches	0.08

(b) Under special conditions, if full and justifiable reasons are given, slopes slightly less than those required for the two feet per second velocity when flowing full may be permitted upon special approval of the District. Such decreased slopes will only be considered where the depth of flow will be 0.3 of the diameter or greater for design average flow. Whenever such decreased slopes are selected, the engineer shall furnish his or her computations of the depths of flow in such pipes at minimum, average and peak rates of flow. It is recognized that such decreased slopes may cause additional sewer maintenance expense and an additional charge may be made at the time of issuance of the construction permit. Sewers shall be laid with uniform slope between manholes.

(9) Sewers 24 inches or less shall be laid with straight alignment between manholes;

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(10) When a sewer joins a larger one, the invert of the larger sewer shall be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the 0.8 depth point of both sewers at the same elevations;

(11) In general, velocities shall be maintained below ten feet per second, unless upon written application, specific permission is granted for velocities greater than ten feet per second. Where velocities greater than 15 feet per second are permitted, special provisions shall be made to protect against displacement by erosion and shock;

(12) (a) Any generally accepted material for sewers will be given consideration but the material selected shall be adapted to local conditions, such as character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion and similar problems.

(b) All sewers shall be designed to prevent damage from superimposed loads. Proper allowances for loads on the sewer shall be made because of the width and depth of the trench. When standard strength sewer pipe is not sufficient, the additional strength needed may be obtained by using extra strength pipe or by special construction.

(13) The method of making joints and the materials used shall be included in the specifications. The leakage outward or the infiltration shall not exceed 200 gallons per inch of pipe diameter per mile, per day for any section of the system and may be less, if so directed by the Board of Trustees for special situations;

(14) (a) Manholes shall be installed at the end of each line; at all changes in grade, size or alignments; at all intersections; and at distances not greater than 400 feet for sewers 15 inches or less, and 500 feet for sewers 18 inches to 30 inches. Greater spacing may be permitted in larger sewers and in those carrying a settled effluent. Lampholes may be used for special conditions only and shall not be substituted for manholes. Manholes on existing sewers may be required by the District prior to making certain connections thereto; and, if required by the District, shall forthwith be constructed by the person or persons served by any such sewer upon written notice to such person or persons of such requirements from the District.

(b) Manhole requirements are as follows.

1. A drop pipe shall be provided for a sewer entering a manhole at an elevation of 24 inches or more above the manhole invert. Where the difference in elevation between the incoming sewer and manhole is less than 24 inches, the invert shall be filleted to prevent solids deposition.

2. The minimum diameter of manholes shall be 48 inches.

3. The flow channel through manholes shall be made to conform in shape and slope to that of the sewers.

4. Manholes shall be of the precast concrete sectional type with eccentric cones.

5. Cast iron frames and closed, bolt-down, water-tight lids (lock tight or equivalent) shall conform to the standards applicable to the usage. All manholes shall be built up such that when the cover is in place, it will be at the required grade. All manhole grades shall require approval by the District.

(15) Inverted siphons shall have not less than two barrels with a minimum pipe size of six inches and shall be provided with necessary appurtenances for convenient flushing and maintenance; the manholes shall have adequate clearance for rodding; and, in general, sufficient head shall be provided and pipe sizes selected to secure velocities of at least three feet per second for average flows. The inlet and outlet details shall be arranged so that the normal flow can be diverted into one barrel, and so that either barrel may be cut out of service for cleaning.

(a) There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenance thereto, which could permit the passage of any sewage or polluted water into the potable supply.

(b) In general, sanitary sewers shall be kept remote from public water supply wells or other supply sources and structures.

(c) Whenever possible, sewers shall be laid at least ten feet, horizontally from an existing or proposed water main. Should local conditions prevent a lateral separation of ten feet, a sewer may be laid closer than ten feet to a water main:

1. If it is laid in a separate trench; or

2. If it is laid in the same trench with the water main located at one side on a bench of undisturbed earth; and

3. If, in either case, the elevation of the top (crown) of the sewer is at least 18 inches below the bottom (invert) of the water main.

(16) Whenever sewers must cross under water mains, the sewer shall be laid at such an elevation that the top of the sewer is at least 18 inches below the bottom of the water main. When the elevation of the sewer cannot be varied to meet the above requirements, the water main shall be relocated to provide this or reconstructed with mechanical joint pipe for a distance of ten feet on each side of the sewer. One full length of water main shall be centered over the sewer so that both joints will be as far from the sewer as possible; and

(17) When it is impossible to obtain proper horizontal and vertical separation as stipulated above, both the water main and sewer shall be constructed of mechanical joint cast iron pipe and shall be pressure tested to assure water-tightness.

(Prior Code, § 15-1.04)

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§ 15-1.05 STANDARD SPECIFICATIONS FOR LIFT STATIONS.

(A) The District hereby adopts, as its standard specifications for lift stations, those specifications and requirements contained in its document entitled *Flagg Creek Water Reclamation District Standard Specifications for Lift Stations*. Said *Standard Specifications*, as amended from time to time, are hereby incorporated as if fully set forth herein.

(B) (1) *Lift stations.*

(a) All below grade walls, floors, slabs and the like shall be constructed of properly designed reinforced concrete.

(b) Valves shall be housed in a valve vault.

(c) A properly designed cathodic protection system will be provided to protect metal structures, as required.

(d) The wet well will be sized for no more than six cycles per hour.

(e) Redundant pumping capacity will be provided. Pumps will be installed on a “rail system”.

(f) A properly sized, back-up natural gas generator with a sound abatement enclosure shall be installed.

(g) A remote alarm/telemetry system compatible with FCWRD’s system shall be provided with alarms for power failure, high water level in wet well/dry well and pump failure included.

(h) The PLC controller shall be provided with a battery back-up.

(i) MOV surge protection shall be provided for the inline current.

(j) The level control for the pumps shall be by means of a transducer with a mechanical float back-up system.

(k) All electrical enclosures shall be made of type 314 stainless steel with an appropriate NEMA rating.

(l) A minimum of two weatherproof lighting fixtures shall be included with manual off/on switch.

(m) A paved area shall be provided around the entire facility with enough room for a service truck, equipment and workers to work safely.

(n) The entire paved area shall be fenced in with an eight-foot high chain link fence with vinyl slats.

(o) A double gate shall be provided to permit service truck entry.

(p) A minimum 18 inches by 24 inches sign with emergency contact information shall be provided.

(2) *Forcemain related items.*

(a) *Forcemain pipe and fittings.*

1. Pipe and fittings for forcemain shall meet the requirements of § 40 of the SSWSMCI and the following. Pipe and fittings shall be installed in accordance with the requirements of § 41 of the SSWSMCI. Excavation and foundation shall be according to Article 550.04 of the *IDOT Standard Specifications for Road and Bridge Construction*, adopted January 1, 2007. Backfilling shall be according to Article 550.07 of the IDOT Standard Specifications.

2. Pipe for forcemain shall be PVC pipe meeting the requirements of AWWA C-900 of the size shown on the plans. Fittings shall be the Certa-Lok C900/RJ restrained joint system as manufactured by CertainTeed. Pipe bends shall be Certa-Lok C900/RJ Restrained Joint PVC Pipe Sweeps. The pipe shall be watermain quality pipe suitable for an operating pressure of 100 psi. Thrust blocks shall not be used. One-inch corporation taps shall be provided for air release at the locations shown on the plans. Any connections between PVC and ductile iron pipes shall make use of Class 52 ductile iron pipe fittings and megalug retainer connection.

(b) *Steel casing (augered).*

1. In the event steel casing pipe is required, the casing pipe shall conform to ASTM A139, Grade B (60,000 psi, tensile strength) with minimum wall thickness as indicated in the following table per the inside diameter as indicated in the plan documents.

<i>Outside Diameter (Inches)</i>	<i>Wall Thickness (Inches)</i>
26 or less	0.250
27 - 42	0.375
43 - 48	0.500

2. Joints in steel casing pipe shall be welded in accordance with AWWA C206.

3. The carrier pipe inside the casing pipe shall be PVC pipe as specified elsewhere in these special provisions. The carrier pipe shall be supported inside the casing pipe by stainless steel casing spacers.

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4. The entire length of casing should be completely installed before any carrier pipe is placed therein. The annular space between the casing and carrier pipe shall be blown full of dry sand and the ends of the casing pipe shall be sealed with bricks and mortar or a Cascade model CCESS end seal with stainless steel bands or approved equal.

(c) *Pressure test of forcemain.* Pressure testing of the forcemain shall comply with the requirement of § 41-2.13 of the *Standard Specifications for Water and Sewer Main Construction in Illinois*, May 1996, 5th Edition (SSWSMCI) and the following.

1. The hydrostatic test pressure shall be 100 psi and maintained for two hours.

2. A recovery test shall be conducted if the test pressure was not maintained for the duration of the test period, to determine the quantity of water lost by leakage under the specified test pressure. The allowable leakage in gallons per hour per 1,000 feet of forcemain shall be 0.81 for 12-inch PVC forcemain per § 41-2.13C of SSWSMCI.

3. The pressure test shall be completed on the force main installed prior to the final connection to the existing force main.

(Prior Code, § 15-1.05) (Ord. 820, passed 4-24-2008)

§ 15-1.06 PLANS - REQUIRED APPROVAL.

No lift station, which is designed and is to be constructed so as to constitute an integral part of the system of sanitary sewers discharging, directly or indirectly, into any sewer tributary to the works of the system, shall be constructed until and unless the District has been furnished with two complete sets of plans and specifications prepared and sealed by a state registered professional engineer and such plans and specifications meet the approval of the District.

(Prior Code, § 15-1.06) (Ord. 820, passed 4-24-2008)

CHAPTER 16: SEWAGE DISPOSAL - PUBLIC - SEWERS - CONNECTION

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- 16-1.03 Public employee sewer
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§ 16-1.01 CONNECTION - LICENSED PERSON ONLY.

No connection with any District sewer, or any sewer discharging, directly or indirectly, into any District sewer, shall be made and/or no sewer, or sewer extension, constructed which connects, directly or indirectly, with any sewer tributary to the works of the system, except by a plumber or plumbers licensed by the state or by skilled and responsible sewer builders and drain layers who have first applied for and obtained a certificate of approval from the District as skilled and responsible sewer builders and drain layers. For the purposes of this Ordinance, such an approved person shall be referred to as a sewer constructor. For the purposes of bonding, reference to plumber, sewer contractor, drain layer, sewer builder or any similar term shall be a sufficient designation to refer to a sewer constructor. (Prior Code, § 16-1.01)

§ 16-1.02 SEWER CONSTRUCTOR REQUIREMENTS (NON-PUBLIC EMPLOYEE) BOND - APPROVAL.

No work may be performed on sewers tributary to the works of the system by a sewer constructor until he or she has filed with the District a bond for one year with good and sufficient surety or sureties to be approved by the attorney. The District Board of Trustees shall, from time to time, establish the nature and amount of permit and construction bonds by resolution. The resolution may establish or approve specific bond forms and/or procedures to apply in all cases. Such bond shall be conditioned for the performance of any and all covenants and agreements of the constructor in the application submitted for approval as a sewer constructor, and for the performance of said work in conformity with all ordinances, resolutions, rules and regulations of the District and of any other municipality within or without the corporate limits of the District or any county government having jurisdiction within or without the corporate limits of the District where the work is located then in force and in accordance with the description of the work in said application contained and the plans and specifications for the work to be performed. Said bond shall be conditioned so that the work shall be performed in such manner as to restore all sewers, appurtenances, streets, alleys, sidewalks and pavements disturbed, injured or damaged to as good condition as the same existed at the time of the commencement of said work. Also, said bond shall be conditioned to indemnify and save harmless the District and any other municipality within the corporate limits of the District and any county government having jurisdiction within the corporate limits of the District from any and all loss, cost, damage and expense by reason of, or in any manner, growing out of or connected with said work, including any and all liability for and on account of any accident or accidents, injury or death, damage or damages caused or in any manner arising from, growing out of or connected with said work; provided, however, that the liability, if any, of the applicant to the District shall not be limited to the amount of such bond nor to the specific liabilities mentioned and set forth therein. The applicant shall, in any event, be liable hereunder for any and all loss, cost, damage and expense of every kind and character arising from or connected with such work. At the request of the District Executive Director, the sewer constructor shall exhibit insurance policy or certificate to District showing District as an additional insured. (Prior Code, § 16-1.02) (Ord. 686, passed 11-19-1992)

§ 16-1.03 PUBLIC EMPLOYEE SEWER.

Work may be done by employees on sewers tributary to the works of the system within the jurisdiction of any municipality by employees of such municipality if such sewers are owned by the municipality. The concerned municipality shall advise the District prior to commencement of such work and shall keep the District advised of such work, from time to time.
(Prior Code, § 16-1.03)

§ 16-1.04 PUBLIC SEWERS - SPECIAL ASSESSMENT.

When any municipality constructs a sewer by special assessment which sewer is to be tributary to the works of the system, such municipality shall ascertain the competence of the sewer constructor (public or private) prior to commencement of the work and such sewer constructor shall first make application and become a District licensed and bonded sewer constructor. It shall further be the duty of such city or village to file with the District a certified copy of such ordinance, together with two certified copies of the plans and specifications therefor. Before the construction of any such sewer or sewers shall be started, the plans and specifications shall be approved by the District and a permit obtained from the District and the State Environmental Protection Agency, if required, as provided in this Ordinance. Nothing herein contained shall give any city or village the right to construct a combined sewer discharging, directly or indirectly, into any District sewer or any sewer tributary to the works of the system.
(Prior Code, § 16-1.04)

§ 16-2.01 SPECIFIC CONSTRUCTION DETAILS.

No person or persons shall cause any connections of a building sewer to a District sewer or any sewer discharging, directly or indirectly, into a sewer tributary to the works of the system in any other manner than as follows.
(Prior Code, § 16-2.01)

§ 16-2.02 SEWER CONSTRUCTION AND CONNECTION DETAILS - BUILDING SEWER LINES - PIPE QUALITY AND LAYING REQUIREMENTS.

Every building sewer discharging, directly or indirectly, into a District sewer shall be of heavy cast iron pipe to a point five feet outside the building foundation or concrete building floors. Beyond said point, the sewer shall be one of the following: heavy cast iron pipe or salt glazed vitrified earthenware, or P.V.C. plastic. Where basements, floors, rooms or occupancy areas will be below ground level at the building site, overhead plumbing shall be installed. Each such sewer must be sound and impervious in all parts; must be solidly laid on a true grade; and, as near as possible, in a straight line and covered to a depth of at least two feet. All changes in direction must be made with properly curved pipe and must be joined in a manner specified by the District. Building sewers which cannot, for valid reasons, be laid at least two feet in depth shall be of heavy cast iron with well caulked lead joints. All such sewers shall

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be covered with well rammed fine earth, entirely free from stones and rubbish, the entire length of the ditch. The portion of the ditch within the street right-of-way must be thoroughly puddled with water the full depth of the fill. Within 48 hours after the fill of the trench is completed, the paving or ballast must be replaced, and the street left in a condition satisfactory to the municipality affected. Responsibility for the adequacy of the street repair shall remain for two years and, in the event that during said period deficiencies develop, the work shall be corrected or redone. All building sewer or connections of any kind shall be laid from the proper junction piece provided in the District sewer or other sewer discharging, directly or indirectly, into a sewer tributary to the works of the system and be connected therewith by a properly shaped pipe of at least six inches internal diameter properly fitted into the bell of the junction piece, and to this properly shaped pipe shall be connected a six-inch pipe carried to a point five feet outside the building being connected to the sewer.

(Prior Code, § 16-2.02)

§ 16-2.03 BUILDING SEWER CONNECTION POINTS.

Where it is necessary to make a connection with the District sewer or any sewer discharging, directly or indirectly, into a sewer tributary to the works of the system at other points than those provided with junction pieces, it shall be done by removing a section of the sewer and substituting a proper wye branch in its place, or, in the alternative, the following methods may be used: a cutting machine may be used to cut a six-inch round hole in the sanitary sewer. An aluminum adapter shall be fixed tightly to the sewer having no projection beyond the inside wall of the sewer and bedded on sand or crushed stone, or a vitreous saddle having no projection beyond the inside wall of the sewer, snugly fitted and encased in six inches of concrete. In the instances of connecting to a brick sewer, the foregoing shall not apply except that the connection shall not project beyond the inside wall of the sewer and the connection shall be encased in six inches of concrete. The concrete required above shall be a ready-mix or hand mixed having at least one part cement, two parts sand and three parts of stone. All such work shall be done under the direct supervision of a District Sewer Inspector.

(Prior Code, § 16-2.03)

§ 16-2.04 GASKETS AND CONNECTIONS.

(A) In all cases where gaskets are used, they must be used only to prevent lead from running into the pipes.

(B) All pipe connections shall be made by rubberized connectors similar to those available through James B. Clow Company for the following connections in sanitary sewer lines serving either private buildings or within the public sewers:

- (1) When connecting cast iron building service pipe to vitrified clay pipe building service;
- (2) When connecting two vitrified clay pipes having dissimilar jointing material or no jointing material; and

(3) When installing a wye branch into an existing public sewer, the drain layer may elect to remove a length of public sewer and replace the length with a section of pipe that has a wye branch cast into the pipe. The new pipe shall then be connected to the existing public sewer using above mentioned rubberized connections at each end of the new length of pipe.

(Prior Code, § 16-2.04)

§ 16-2.05 GRADES AND SIZES.

(A) No building sewer connecting with any District sewer or any sewer discharging, directly or indirectly, with any District sewer shall be laid with less inclination or grade than one foot in 60 feet, without the written consent of the District.

(B) The District may require building sewer and connections of greater size than six inches in interior diameter where, in the opinion of the Executive Director, it is deemed best for the District and use contemplated.

(Prior Code, § 16-2.05)

§ 16-2.06 PROXIMITY TO SEWER - LIMITATIONS.

No person shall hereafter lay any pipe or conduit in any street, alley, easement or other public right-of-way within five feet of either side of any existing District sewer or any sewer discharging, directly or indirectly, into the works of the system in such street, alley, easement or public right-of-way without the written permission of the District.

(Prior Code, § 16-2.06)

§ 16-2.07 BUILDING SEWERS - SINGLE BUILDING.

No more than one building shall be connected to any District sewer or any sewer discharging, directly or indirectly, into the works of the system through a single building sewer line without a permit issued by the District.

(Prior Code, § 16-2.07)

§ 16-2.08 SUMPS.

No sump into which storm water or ground water flows shall be connected to any District sewer or any sewer discharging, directly or indirectly, into the works of the system. No sump for sanitary waste shall be located nearer than ten feet to a sump into which storm water or ground water flows. There shall be no connection, directly or indirectly, open or closed, between storm water sumps and sanitary sumps. All sumps intended to be used for sanitary wastes shall be completely sealed so that no ground water or storm water may enter the sump.

(Prior Code, § 16-2.08)

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§ 16-2.09 TRENCHES - STREETS.

(A) In opening trenches in any street or public way, the paving or ballast must be removed with care and the sides of the trenches must be sheeted or braced when directed by the District Inspector or Executive Director, and in the manner directed by the District. The earth thrown from the trench must be placed so as not to obstruct the way, and so as to cause the least obstruction to travel. All water and gas pipes shall be protected from any injury, the trench enclosed and lighted at night and every precaution taken to prevent injury to persons or property during the progress of the work, and the street shall be restored to identically the same condition when the said work is completed as it was before the work was begun.

(B) Any settlement in a street or parkway over a building sewer occurring within two years shall be repaired at the expense of the owner of the property from which said drain has been laid.
(Prior Code, § 16-2.09)

§ 16-2.10 MANHOLES.

All industrial, office, apartment, commercial building and trailer park connections shall include a manhole on the property of the applicant, easily accessible for inspection, which said manhole shall be constructed and maintained and be the sole responsibility of the owner of said property upon which said manhole is located. No such manhole shall be required for two-flat buildings, duplex buildings or individual house trailer sites within a trailer park.
(Prior Code, § 16-2.10)

§ 16-2.11 DEFECTS - OWNER'S RESPONSIBILITIES.

(A) If a defect or fault in the sewer work comes to the attention of the District, the District shall notify both the owner and sewer constructor. The owner of any building or structure on which the sewer constructor shall not have corrected any defects or fault in the sewer work, shall be primarily responsible for the correction in the event that the sewer constructor shall not have corrected said defect or fault within 30 days of notice thereof from Executive Director of the District. In the event that said defect or fault is not corrected within said period of time, the Executive Director shall refuse to issue any permits to said owner for any additional connections to the District sewers and may continue to withhold issuance of said permits or occupancy permits until such defects or faults have been corrected in a manner satisfactory to the District.

(B) In the event that said defect or fault is not corrected within 60 days after notice thereof to the sewer constructor or within 30 days after notice thereof to the owner, the District may proceed against the owner in accordance with the provisions of the penalty sections of this Ordinance.
(Prior Code, § 16-2.11)

§ 16-3.01 DEMOLITION - PERMIT REQUIREMENTS.

No one may demolish a building or disconnect a building sewer from the District sewer system until he or she has first obtained from the District a disconnection permit.
(Prior Code, § 16-3.01)

§ 16-3.02 INSPECTION.

After a disconnection permit has been issued, at the time that a building sewer is disconnected, a District Inspector must be in attendance to direct and inspect the disconnection of the building sewer from the District sewer system.
(Prior Code, § 16-3.02)

§ 16-3.03 PLAN REVIEW.

No one may do any repair, reconstruction, rehabilitation, addition or other improvement(s) of a building until he or she first have obtained from the District an approved plan review.
(Prior Code, § 16-3.03)

§ 16-3.04 TELEVISED CAMERA INSPECTION.

A televised CCTV camera inspection of the building sewer interior must be recorded on a video tape or disc and forwarded to the District for an evaluation under the following circumstances:

(A) In the case of any major building rehabilitation to a building, prior to the issuance of a disconnection permit or an approved plan review, unless the District's records indicate that the building sewer was constructed, replaced or upgraded to the standard specified PVC pipe or approved liner. Major building rehabilitation is defined as any repair, reconstruction, rehabilitation, addition or other improvement(s) of a building, within a three-year period, where the cost or value of the building improvement(s) equals or exceeds 50% of triple the assessed building value (as shown on the current assessment records of the Township Assessor);

(B) If the plans submitted with a plan review application reveal a potential structure build over conflict with the building sewer system. If the camera inspection discloses a build over conflict with the building sewer system, then the owner may be required to relocate the building sewer system, use an alternate building material to replace the building sewer system or take other measures as directed by the District in order to resolve the conflict;

(C) If the property has experienced backups, blockages, obstructions, leaks or frequent repairs; and

(D) If the building sewer system consists of clay pipe.
(Prior Code, § 16-3.04)

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§ 16-3.05 REPLACEMENT REQUIREMENTS.

(A) If, at any time, an inspection, whether by the District Inspector or by review of the CCTV video tape or disc, made by the District or an independent sewer contractor, discloses that the building sewer is:

(1) Constructed of any material or in such a manner which permits infiltration of ground water into the District system;

(2) Is in a poor state of repair, i.e., sags, leaks, cracks, broken segments, separated joints, multiple root intrusions or other signs of deterioration rendering the building sewer susceptible to ground and/or storm water infiltration; or

(3) Otherwise in need of replacement, then the existing building sewer must be replaced with the specified PVC pipe, or, where appropriate, as determined by the District, may be repaired with a cured in place pipe liner.

(B) All sewer replacement or lining must include the entire length of the building sewer from the building connection to the public main connection. If the District determines that the building sewer is in excellent condition and is not open to ground and/or storm water infiltration, then the District may accept the existing building sewer without requiring a replacement or liner.

(Prior Code, § 16-3.05)

§ 16-3.06 OVERHEAD SEWERS.

Overhead sewers are required for all new construction, including new additions where any part of the new improvement that is below grade is serviced by sanitary waste drains.

(Prior Code, § 16-3.06)

§ 16-3.07 DISCONNECTION PERMIT FEES.

The disconnection permit fees shall be as follows.

(A) For the demolition or razing of each building, the cost of the disconnection permit shall be \$150 per building. Said payment shall include the cost of one inspection. For each additional inspection required, there shall be an additional charge of \$50. Such additional charge shall be added to the regular connection permit fee.

(B) Where only the portion of a building to which the building service line is connected is to be demolished or razed the cost of the disconnection permit shall be \$150. Such additional charge shall be added to the regular connection permit fee.

(C) In cases not involving new construction or such remodeling as described above, where the District discovers a deficiency in the building sewer line and requires the owner or user to repair or replace the same, the cost of the disconnection permit shall be \$150. Said payment shall include the cost of one inspection. For each additional inspection required, there shall be an additional charge of \$50. Such charge shall include the inspection of the replacement building sewer.
(Prior Code, § 16-3.07)

§ 16-3.08 DISCONNECTION - TIME AND MANNER.

(A) The time and manner of the disconnection and plugging of the building sewer shall be as follows:

- (1) The disconnection and building line removal, if required, and plugging must be completed prior to the commencement of demolition of the building; and
- (2) The building sewer shall be plugged with a water-tight expandable plug and hydro cemented to prevent the entry of surface or subsurface water and/or foreign matter into the public sewer.

(B) Failure to complete the required disconnection and plugging prior to the commencement of demolition shall result in a violation and fine of \$500 added to the disconnection permit fee. In all cases where there has been a disconnection as a result of demolition or partial demolition where the partial demolition includes the portion of the structure where the building sewer enters the building, the applicable composite connection charge shall be paid in full (including any premium if applicable) prior to re-connection.
(Prior Code, § 16-3.08)

§ 16-3.09 WAIVER OF OVERHEAD PLUMBING REQUIREMENT.

The requirement of overhead plumbing may be waived only if it is not physically possible to make such installation and the owner(s) of the property upon which the building is being constructed enter(s) into a recordable written agreement with the District wherein the owner, for himself, herself or themselves, and for his, her or their successors and assigns releasing the District from any and all responsibility for any sewage backup into the home as a result of not having overhead sewers. Said release shall be recorded in the office of the Recorder of Deeds before an occupancy permit shall be issued.
(Prior Code, § 16-3.09)

§ 16-3.10 INSPECTION REPORTS.

The Inspector shall make regular written reports to the District on the results of all inspections and disconnections.
(Prior Code, § 16-3.10)

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§ 16-4.01 PROTECTION FROM DAMAGE.

No person shall maliciously, willfully or wantonly break, damage, destroy, uncover, deface or tamper with any of the manholes, manhole covers, sewers, appurtenances, equipment, machinery, lift stations or structures or the sewage treatment plant coming under the jurisdiction of the District. Any violation hereof shall be punishable as hereinafter provided.

(Prior Code, § 16-4.01)

§ 16-5.01 GENERAL PROVISIONS.

No penalties or prosecutions therefor shall be held or construed as constituting a bar, release or waiver by the District to the prosecution by the District or any civil damages it may sustain because of violations by any person of the provisions hereof, where it shall appear that such violations have occasioned damage to the appurtenances, machinery, equipment, manholes, manhole covers, sewers, structures and buildings under the jurisdiction of the District.

(Prior Code, § 16-5.01)

§ 16-6.01 INSPECTION - GENERAL.

(A) An Inspector for the District shall inspect all installations of any underground conduit or pipes which are to be connected to any sewer tributary to the works of the system to ascertain if said conduits or pipes are of the proper materials and whether such conduit or pipes and any sumps are being installed in accordance with the ordinances, resolutions, rules and regulations of the District and the plans and specifications filed with the District upon application and approved by the District and whether the proper connections are being made to the lateral or interceptor sewer or manhole, public or otherwise.

(B) No excavation containing pipes or conduit within the jurisdiction of the District shall be permitted to be filled until an inspector has observed the installation and approved it. An Inspector may order reopening of any such excavation filled prior to approval of said installation.

(Prior Code, § 16-6.01)

§ 16-6.02 INSPECTION - NOTICE REQUIRED.

All sewer constructors or other persons performing work which is covered by the ordinances, resolutions, rules and regulations of the District shall give 24-hour written notice to the District prior to the time that said work is to commence and when the work is ready for final inspection. The request for final inspection may be given by telephone to the District not later than 2:00 p.m. during District working days. Thereafter, the Inspector shall visit the site and make the inspection required within 24 hours.

(Prior Code, § 16-6.02)

§ 16-7.01 STOP ORDERS.

(A) A District Inspector shall have the power to stop any job where he or she has observed that any work is being performed or has been performed without a permit or has been covered up prior to inspection and approval by the Inspector or is in violation of any other provisions of the ordinances, resolutions, rules and regulations of the District.

(B) Said stop order shall be effective until a permit has been issued or the work has been corrected or uncovered so that the Inspector may observe it. If, after uncovering, the inspection indicates work in violation of the ordinances, resolutions, rules and regulations of the District, no further new work shall be done until the defective or improper work has been corrected. The stop order shall not limit remedial work, which must be done under the direct observation of the Inspector.

(C) The District shall have the power to stop and prevent free discharge into any District sewer or any other sewer discharging, directly or indirectly, into the works of the system from any private building sewer through which substances are discharged, which are liable to injure or seriously obstruct the flow in same.

(D) The District shall have the power to stop and prevent free discharge into any District sewer or any other sewer discharging, directly or indirectly, into the works of the system from sources outside of the District. The District may enter into a written agreement with the discharging person permitting the same upon agreement to pay additional treatment costs in which case such discharge may be permitted.

(Prior Code, § 16-7.01)

§ 16-8.01 STREET OPENINGS - PERMIT.

The District shall require any sewer constructor seeking a permit from this District, which will include therein the breaking or entering through the surface or subsurface of any street in said District, which is also located within the corporate limits of any municipality or area falling under county or state jurisdiction, to produce a permit from said municipality, County or State Highway Department as may be required by said municipality, county or state for the breaking or entering the surface or subsurface of such street, before any permit for sewer work shall be issued by the District.

(Prior Code, § 16-8.01)

§ 16-9.01 REQUIREMENTS FOR NEW BUILDING SEWER.

In any case of repair, reconstruction, rehabilitation, addition to or other improvement of a building, the “building sewer” of which is connected, or is required to be connected, to a public sewer tributary to the works of the system, the cost or value of which building improvement equals or exceeds 50% of the fair market value of the building (as shown on the current assessment records of the Township Assessor), before the commencement of construction of the improvement a permit must be applied for and issued for the construction of a new “building sewer”. Such new “building sewer” must be

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constructed from the “public sewer” and be complete in due time to be connected to the “building drain”, which shall itself be connected to the overhead plumbing within the basement or crawl space of the building prior to completion of the construction. The requirement for a new “building sewer” can be waived if it is demonstrated that the “building sewer” is air tight, functioning properly and so situated to permit overhead plumbing to be installed. In any such case where a new “building sewer” is required, overhead plumbing shall be installed.

(Ord. 696, passed 5-19-1994)

CHAPTER 17: SEWAGE DISPOSAL - PUBLIC - SEWERS - PERMIT - CONSTRUCTION

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CHAPTER 17: SEWAGE DISPOSAL - PUBLIC - SEWERS - PERMIT - CONSTRUCTION

Section

- 17-1.01 Requirements for permits
- 17-1.02 Documents necessary
- 17-1.03 Review - staff
- 17-1.04 Review - Trustees - rejection or tentative approval
- 17-1.05 Final approval
- 17-1.06 Recitations
- 17-1.07 District construction permit
- 17-1.08 Conditions
- 17-1.09 Additional information
- 17-1.10 Construction permit issuance
- 17-1.11 Revisions
- 17-1.12 Multiple connections
- 17-1.13 Modifications to building plans
- 17-1.14 Construction permits after modification
- 17-1.15 Construction permit plan review fee

§ 17-1.01 REQUIREMENTS FOR PERMITS.

No construction work, including excavation, shall be commenced within or without the District on any structure, building, project, sewer line or sewer extension which will be tributary to the works of the system unless and until a permit application for construction has been approved and a construction permit issued upon payment of the applicable plan review charges and sewer extension charges, where applicable, specified in the District ordinance in effect at the time of the filing of all required documentation with the District.

(Prior Code, § 17-1.01)

§ 17-1.02 DOCUMENTS NECESSARY.

An application for the permit shall be made on the form provided by the District. The application shall be accompanied by not less than two full and complete engineering drawings prepared by a state registered professional engineer. The permit application may be for a sewer line, a sewer extension, a building connection or a project. If a sewer line or sewer extension, building connection or project falls

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into the categories requiring the state's Environmental Protection Agency (IEPA) approval, the documentation submitted shall be in accordance with said agency's requirements. If the IEPA has delegated its functions to another agency or governmental body, the documentation required shall be the same as if such delegation shall not have occurred. Any sewer extension and any building, or project with a flow of more than 1,500 gallons per day, requires Environmental Protection Agency approval. (Prior Code, § 17-1.02)

§ 17-1.03 REVIEW - STAFF.

The District staff shall review the submissions to ascertain compliance with the District and Environmental Protection Agency requirements, if any, including, but not limited to, regulation of the design and construction, flood plain, density limitations, flow rate and environmental and open space limitations. If deficiencies are found, the staff shall call them to the attention of the applicant. After the plans are found to comply with applicable technical requirements, the staff shall certify to the Board of Trustees that the plans meet the technical requirements, do not exceed the District's density limitations and that the expected loadings do not exceed the capacity of the constituent parts of the works of the system serving the development or that the plans include provision for storage and timed release and the staff shall present its recommendations to the Board of Trustees for approval, denial and/or modification. The Executive Director may approve, without Board review, any single-family residence or any residential development of under 100 equivalent family units if no sewer extension is required. (Prior Code, § 17-1.03)

§ 17-1.04 REVIEW - TRUSTEES - REJECTION OR TENTATIVE APPROVAL.

The Board of Trustees having reviewed the recommendations of the staff shall reject approval, approve or conditionally approve the permit application. In the event of approval, the President of the Board of Trustees or the Executive Director shall sign the application, and the permit shall issue if the Environmental Protection Agency (EPA) is not concerned therewith; however, if the EPA is concerned, the application shall be signed and forwarded to the state's Environmental Protection Agency for processing. If the Board conditionally approves the application, the President shall sign the application when the conditions have been met. If the submission is rejected, the Board must specify the reasons for the rejection. The Board may delay an application for such time as is necessary to obtain required information or to deliberate on the application. (Prior Code, § 17-1.04)

§ 17-1.05 FINAL APPROVAL.

After the state's Environmental Protection Agency has reviewed the submissions and approved the same, the Trustees shall authorize issuance of the District permit provided that the project remains in

substantial compliance with the District ordinances, resolutions, rules and regulations in effect at the time of final submission of the required documents.

(Prior Code, § 17-1.05)

§ 17-1.06 RECITATIONS.

The Board of Trustees adopts the recitations in Ordinance 758 and incorporates the same herein. (Ord. 758, passed 7-24-2003)

§ 17-1.07 DISTRICT CONSTRUCTION PERMIT.

The District declares that there shall be no construction of any permanent structure of any nature or type outside of the physical confines of any building upon any lands allowed within the District without or outside the District on any building the sanitary waste system of which is tributary to the District system without the owner or contractor first delivering to the District for staff review the following and the issuance of a District construction permit:

(A) A copy of the current title company letter of commitment on title or title policy;

(B) A copy of a current survey (not less than six months old, and reflecting the current physical nature of the parcel) meeting the American Land Title Association requirements for extended coverage, showing all existing improvements, public and private, both underground and aboveground, which has been prepared by and certified to by a state licensed surveyor and which bears the surveyor's seal;

(C) A full set of plans and specifications for the improvement or modifications;

(D) A copy of any or all of the following issued by the municipal authority issuing same:

(1) Demolition permit (complete or partial); and

(2) Building permit, if any have been issued.

(E) Such other information as the District may require to adequately determine the risk to the building sewer or such other sanitary sewers as may be either on the parcel or adjacent thereto; and

(F) In the case of a situation where it becomes known that the new construction will interfere with the existing building sewer line and a new line must be laid, or in the case of a "tear down" situation involving the demolition or substantial demolition of an existing building requiring the installation of a new building sewer and the disconnection of the then existing building sewer from the public sewer line (whether owned and operated by a village or the District), the applicant shall also provide to the District the following:

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(1) Certification by the village department in charge of sewer lines and/or connections that when the subject building was constructed that it was the only building being served by the building sewer. (To the District's knowledge, no such dual building sewer lines have been permitted or constructed under District permit.); or

(2) In lieu thereof, a video tape of the interior of the subject building's building sewer from the existing structure to the connection with the public sewer line to ascertain if there may be other connections made thereto. The requirement may be excused if the District's records include written or diagrammatic documentation prepared by the District Inspector indicating that the building sewer line has been constructed of PVC pipe and there has been no multiple connection to the public sewer system. (Ord. 758, passed 5-24-2003)

§ 17-1.08 CONDITIONS.

The staff shall review such documentation to determine which of the following conditions exist:

(A) Whether such contemplated construction will not interfere or damage the building sewer or any public sewer;

(B) Whether such contemplated construction will interfere or damage the building sewer or any public sewer; and

(C) Whether the video tape discloses other inlets or connections to the building sewer beyond that serving the existing building on the subject parcel. (Ord. 758, passed 5-24-2003)

§ 17-1.09 ADDITIONAL INFORMATION.

Upon review of the submitted documentation, the District staff shall, if necessary, require such additional information as may bear upon the subject. (Ord. 758, passed 5-24-2003)

§ 17-1.10 CONSTRUCTION PERMIT ISSUANCE.

If it appears from the completed review that the contemplated construction will not interfere or damage the building sewer or any public sewer, upon payment of the review fee, the District shall issue its construction permit. Issuance of a construction permit does not authorize disconnection of a "tear down" or "substantially (over 25%) remodeled" building from the public sewer. A separate permit is required. (Ord. 758, passed 5-24-2003)

§ 17-1.11 REVISIONS.

If it appears that the contemplated construction may interfere or damage the building sewer or any public sewer, the District shall require modifications to the plans to avoid such interference or damage and, upon such revisions being made, and payment of the review fee, shall issue its construction permit. (Ord. 758, passed 5-24-2003)

§ 17-1.12 MULTIPLE CONNECTIONS.

(A) If the VCR tape discloses other inlets or connections to the building sewer beyond that serving the existing building on the subject parcel, the District staff shall confer with and advise the applicant that the District will not knowingly permit multiple connections through a single building sewer and discuss the possible courses of action to take. Written notice of such condition shall be served upon those parcels suspected to be participants in the multi-connection building sewer.

(B) In such case, the owner and/or contractor shall submit to the District a written commitment that, upon disconnection of the existing building sewer from the public system, financial and construction arrangements have been made for a new connection and, if required by the District Director, a new building sewer for the adjacent properties which are disconnected at the time of severance of the parcel building sewer from the public system. (Ord. 758, passed 5-24-2003)

§ 17-1.13 MODIFICATIONS TO BUILDING PLANS.

The District shall require any modifications to any building plans which are necessary to prevent damage to an existing or future building sewer or public sewer line. (Ord. 758, passed 5-24-2003)

§ 17-1.14 CONSTRUCTION PERMITS AFTER MODIFICATION.

If such modifications have been made, if required, or, if none are required, upon payment of the specified fees set forth below, the District shall issue to the owner a construction permit for construction as is set forth on such plans as approved by the District. (Ord. 758, passed 5-24-2003)

§ 17-1.15 CONSTRUCTION PERMIT PLAN REVIEW FEE.

(A) The District hereby establishes a construction permit plan review fee for such plan review and analysis as may be necessary in any given case (not applicable to the situation where a current District connection permit is required and the composite connection charge has been paid):

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Plan review fee	\$100 per hour
Plus	
Construction permit fee	\$100

(B) Such fees and charges shall be subject to a comprehensive enactment by the District regulating fees and charges for services performed by District personnel and others hired by the District to do plan review work.

(C) Note: A District disconnection permit shall be required prior to making the disconnection. District connection permits, as required by the Code of Laws of the District, shall be required to lay any new building sewer line for any structure(s) and to connect such buildings to the public system. (Ord. 758, passed 5-24-2003)

CHAPTER 18: SEWAGE DISPOSAL - PUBLIC SEWERS - PERMITS - CONNECTION

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CHAPTER 18: SEWAGE DISPOSAL - PUBLIC SEWERS - PERMITS - CONNECTION

Section

- 18-1.01 Requirements for permits
- 18-1.02 Documents necessary
- 18-1.03 Review - staff - issuance
- 18-1.04 Review - Trustees - issuance
- 18-1.05 Final approval

§ 18-1.01 REQUIREMENTS FOR PERMITS.

No connection shall be made to any District sewer or to any sewer tributary to the works of the system unless and until a permit application for connection has been approved and a connection permit issued upon payment of the applicable composite connection charge specified in the District ordinances in effect at the time of approval.

(Prior Code, § 18-1.01)

§ 18-1.02 DOCUMENTS NECESSARY.

An application for the permit shall be made on the form provided by the District. The application shall be accompanied by plans and specifications for the building or buildings or other structure sought to be connected. Included in the specifications shall be the anticipated water usage and the chemical constituency of any effluent other than domestic type waste which will be anticipated. When technical data is provided, it shall be certified to be accurate by a state registered professional engineer and, where requested, supporting technical data shall be provided. If Environmental Protection Agency approval was required for construction of the building or structure, a copy of the permit shall be submitted with the application.

(Prior Code, § 18-1.02)

§ 18-1.03 REVIEW - STAFF - ISSUANCE.

The District staff shall review the submissions to ascertain compliance with all of the District requirements in effect, from time to time, including, but not limited to, regulation of the design with respect to pretreatment, storage and timed release, sanitary sewer connection, flood plain, density limitations and environmental and open space limitations and the state requirements. If deficiencies are found, the staff shall call them to the attention of the applicant for correction. After the plans or the

**Flagg Creek Water Reclamation District - Sewage Disposal - Public Sewers -
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corrected plans are found to comply with the technical requirements of the District, if the plan is for a building, buildings or structure for which the composite connection charge has been established by ordinance or resolution the District Executive Director shall issue the permit upon payment of the requisite composite connection charge, as established by the applicable promulgations of the District at the time of issuance of the permit.

(Prior Code, § 18-1.03)

§ 18-1.04 REVIEW - TRUSTEES - ISSUANCE.

If the plan is for a building, buildings or structure for which no specific composite connection charge has been established by the Trustees, the staff shall submit the application and a synopsis thereof to the Board of Trustees together with the recommended composite connection charge based upon District criteria. The Board of Trustees shall establish a composite connection charge, by resolution, based upon the principles established by the Board of Trustees. No such resolution shall be considered ex post facto merely because the application is for a type of building or structure not previously experienced by the District, provided that the resolution fixes the composite connection charge on the basis of recognized parameters for such type of building or structure. Upon payment thereof, the connection permit shall issue.

(Prior Code, § 18-1.04)

§ 18-1.05 FINAL APPROVAL.

In all cases of buildings or structures containing other than single-family or strictly apartment units after one year full occupancy, the building or structure water use and effluent discharge shall be analyzed and compared to the information presented upon application. In the event that the information provided as to prospective loadings is in substantial compliance with the measured data, the District copy of the permit shall be endorsed, “finally approved”, at no additional charge. However, if the measured data is at variance with the supplied data, the composite connection charge shall be adjusted to reflect the accurate information and a refund shall be made if required or an additional billing shall be rendered if required. If an additional billing is required, the District copy of the permit shall not be endorsed, “final approval”, until payment thereof. Failure to pay such additional billing within 90 days of written notice thereof shall be grounds for withdrawal of the occupancy permit and termination of service as specified herein for nonpayment of periodic charges.

(Prior Code, § 18-1.05)

CHAPTER 19: CONNECTION PERMITS - ASSESSMENT OF CHARGES

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CHAPTER 19: CONNECTION PERMITS - ASSESSMENT OF CHARGES

Section

- 19-1.01 Grant of powers
- 19-1.02 Background
- 19-1.03 Declaration of equality of effluent flow to metered water flow
- 19-1.04 Establishment of policy
- 19-1.05 Ascertainment of expected flow - submitted materials - amendments - verifications - adjustment of charges
- 19-1.06 Ascertainment of anticipated building use - resolution fixing charge
- 19-1.07 Assessment of charges - method of amending amounts of the constituent parts of the charge
- 19-1.08 Reanalysis of use after full occupancy or after flows exceed the permitted flow - District's ascertainment of excess flow
- 19-1.09 Permittee's voluntary notice to the District of violation of flow limits - opportunity to correct - assessing revised composite connection charge - additional connection charges due - when paid - supplemental permit to be issued - excess flow surcharge
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- 19-1.20 Legal fees - review, conference
- 19-2.01 Segmentation of payment
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- 19-3.01 Building or structure removal or partial removal - disconnection - permit - charge - new building sewer line
- 19-4.01 Expiration of unused connection permits
- 19-5.01 Staff recommendation

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- 19-5.02 Reliance upon certification
- 19-5.03 Matters to which certification shall be made
- 19-5.04 False certification
- 19-5.05 Persuasion

§ 19-1.01 GRANT OF POWERS.

Pursuant to the powers granted in 70 ILCS 2405/7, the District has the authority to charge and collect a fair and reasonable charge for connection to its system in addition to those charges covered by normal taxes, for the construction, expansion and extension of the works of the system, the charge to be assessed against new or additional users of the system and to be known as the connection charge. Such construction, expansion and extension of the works of the system shall include proposed or existing collector systems and may, at the discretion of the District, include connections by individual properties. The charge for connection shall be determined by the District and may equal or exceed the actual cost to the District of the construction, expansion or extension of the works of the system required by the connection. The funds thus collected shall be used by the Sanitary District, for its general, corporate purposes with primary application thereof being made to the necessary expansion of the works of the system to meet the requirements of new users.

(Ord. 739, passed 1-17-2002)

§ 19-1.02 BACKGROUND.

(A) Sampling method - equivalent family unit comparison: actual water meter readings of a representative sample of single-family residences in the District has indicated that the average daily water use of a single-family residence is 268 gallons per day.

(B) The District shall amend the aforesaid gallons per day, from time to time, as is required to be accurate by resolution of the Board of Trustees.

(Ord. 537, passed 5-28-1981; Ord. 543, passed 6-11-1981; Ord. 739, passed 1-17-2002)

§ 19-1.03 DECLARATION OF EQUALITY OF EFFLUENT FLOW TO METERED WATER FLOW.

For the purposes of this Ordinance 739, water flow into a building and sewer effluent from a building, as measured by water meter, shall be deemed to be equal on a gallon for gallon basis. Notwithstanding said declaration, the Trustees are fully aware that, as a result of storm water inflow and combined sewers within the District, the District treats sewage far in excess of the number of gallons of flow for which users can be billed.

(Ord. 739, passed 1-17-2002)

§ 19-1.04 ESTABLISHMENT OF POLICY.

The Board of Trustees of the District hereby establishes the following policies.

(A) No person, corporation, partnership (limited or otherwise), limited liability company, school district, religious organization or municipal corporation through its agents shall connect any building, structure or building complex or sewer extension to the sewage system of the District or one which is tributary to the works of the system unless and until:

(1) In the case of a building, structure or building complex not already connected to the District system, until the composite connection charge has been assessed, paid and a connection permit has been issued;

(2) In the case of a building, structure or building complex already connected to the District system under a valid connection permit, where the owner or occupant of a building, structure or building complex desires to modify the plumbing system within a building or converts, modifies, changes or in any way increases the intensity of the use within the building, structure or building complex or extends to adjacent space in other buildings, thereby increasing the burden to the District by increasing the flow emanating from such building to a quantity in excess of the flow limit specified in the existing permit or in the application for such permit and in the case of other than single-family residential users, the resolution of the Board of Trustees establishing the composite connection charge, or in any other manner, including, but not limited to, commencement of discharge of industrial waste; increases the burden upon the District beyond that specified in the last connection permit which was issued by the District until a new composite connection charge has been assessed, paid and a modified connection permit has been issued; and

(3) In the case where a developer seeks to install a sewer extension under a sewer extension permit, until a sewer extension permit is issued.

(B) In all cases prior to the issuance of a connection permit for any building structure or building complex, the District shall determine:

(1) The adequacy of capacity and suitability for connection of the building sewer of the building, structure or building complex to such sewer system;

(2) The flows theretofore committed to the sewer line to which the connection is sought and the remaining capacity in such sewer system and its several constituent parts;

(3) The flows which the building/structure or building complex sought to be connected or modified will generate, or in the case of a supplementary permit, the anticipated flow beyond the amount for which the last connection permit was issued by the District or where the permittee is then in violation of the existing permit as a result of actual flow beyond the amount for which the last connection permit was issued by the District; and

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(4) The maximum flow limitations established with the permittee or others by agreement or, if there is no agreement, by the Code of Laws of the District.

(C) Prior to the consideration of issuance of a connection permit if one is to be issued, in order to assure the District that the building sewer will be installed and/or modified to handle the flows and that the proper connection charge shall be paid in accordance with District ordinances, rules and regulations, the plans and specifications for such building or modification, conversion of said building and the flow information of the equipment to be installed within the building or structure and/or the plans for any sewer extension shall be reviewed by the District staff together with a review of existing and committed loads to the system prior to issuance of the connection permit. After issuance of the connection permit, an inspection of the construction of the building sewer and the facilities installed in the building, structure or building complex and/or sewer line shall be made by District Inspectors.

(D) There shall be no commencement of construction of the building or of connection to the District system without a payment of the composite connection charge and issuance of a proper connection permit.

(E) (1) There shall be no discharge of flows into the District system beyond that for which a connection permit has theretofore been issued. In the event that, without notice to the District or without application for additional permitted discharge beyond that for which there is an existing permit issued for the building or complex, the permittee increases the flow from the building or complex beyond that heretofore permitted the District shall have the right to demand and obtain information from the user or building owner as if the building were not yet connected and were seeking connection.

(2) Failure of a user or building owner to properly and accurately respond to the request for information shall constitute a violation of this Ordinance and shall be adequate grounds for disconnection.

(F) The District shall collect a fair and reasonable charge for issuance of a connection permit authorizing connection to its system in addition to those charges covered by normal taxes, for the construction, expansion and extension of the works of the system, the charges to be assessed against new or additional users of the system (including users who have previously paid a connection charge, but who are using or are seeking to use capacity beyond that for which they have paid a connection charge). Such charges shall be comprised of the amounts calculated to be the cost of the replacement of the several constituent parts of the works of the system which the building or structure will use and the cost of plan review, inspection and legal fees for any legal work relating thereto and such charge shall be known as the composite connection charge. The composite connection charge shall be calculated as set forth below.

(G) (1) Where property is connected to the District's sewage system but the District has no record of a permit previously having been issued for the property, the user shall make an application for a connection permit. Upon application, the Executive Director shall make a determination whether there is a valid reason why there is no permit for the property, or whether the property may have been connected to the works of the District without authorization. In making that determination, the Executive Director shall consider:

- (a) Whether a permit previously may have been issued, but the permit has been lost;
- (b) Whether the property reasonably appears to have been connected to the District's sewer system prior to the District's issuance of connection permits in 1931;
- (c) Whether the sewer connection was made with authorization, and the property subsequently was annexed to the District;
- (d) Whether the sewer system to which the connection was made subsequently was purchased by the District, or otherwise was made a part of the District's operations; or
- (e) Whether there is other valid information that would make it more probable than not that the sewer connection originally was made in a legal manner.

(2) The Executive Director's recommendation shall be forwarded to the District's Board of Trustees for consideration as to the amount of the composite connection charges to be paid, as set forth herein.

(3) Where the District becomes aware that a commercial user or structure is connected to the works of the system, but does not have a validly issued permit, and it is believed that the connection was made without authority, then, in that case, the estimated amount of water usage for the property shall be used to calculate the composite connection charge. All composite connection charges must be paid before a composite connection charge permit is issued. If the user fails or refuses to pay the charges, then the District shall issue an order to cease and desist from any further sewer discharges, and may pursue such enforcement as is necessary to prohibit future discharge.

(4) Where the District becomes aware that a commercial structure is connected to the works of the system, and does not have a validly issued permit, but it is not believed that the connection was made without authority, the Board of Trustees may authorize composite connection permit charges, up to but not greater than those calculated based upon the most recent, operational, 12-month average water usage for the property, or the estimated water usage for the property, whichever is lower. However, notwithstanding the foregoing to the contrary, if the most recent, operational, 12-month average water usage, or the estimated water usage for the property is less than one equivalent home (one EQH), then the composite connection charge shall be based upon one EQH. Any subsequent increases in water usage are subject to charges as set forth in the District's ordinances, including a plant charge, interceptor charge and lift station charge. Regardless, whether any other composite connection charges are paid, in all cases, the user will be required to pay any appropriate fees.

(5) The District may order the user to have a television inspection made of his or her service lateral, and transmit a video tape or disc of that television inspection to the District for review. If the television inspection discloses multiple connections, or that the service lateral requires repair or replacement, or other corrective work, such work must be performed before a permit will be issued. (Ord. 739, passed 1-17-2002; Ord. 876, passed 9-26-2014; Ord. 876, passed 12-19-2014)

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§ 19-1.05 ASCERTAINMENT OF EXPECTED FLOW - SUBMITTED MATERIALS - AMENDMENTS - VERIFICATIONS - ADJUSTMENT OF CHARGES.

(A) To calculate the anticipated sewage flow per square foot of the building, structure or building complex, in addition to referring to District statistics gathered by the District from billing records of the District for the proposed user or from other users with similar facilities, the Director may consult the I.C. treatise "Illinois Recommended Standards for Sewage Works" schedule entitled "Quantities of Sewage Flows for Miscellaneous Type Facilities".

(B) For the purposes of determining square foot areas of a building for which application for permit is made, the District may rely upon the set of architect's or engineer's drawings submitted with the permit application. The calculations of the area of the structure or building shall be on the basis of the usable space excluding stairways and elevator shafts.

(C) If, at any time after, including after issuance of permit, any documentation (including, but not limited to, drawings, plans, narrative description and the like regarding gross floor area, estimated flow) is amended, said amendments shall be promptly delivered to the District by the applicant, user or permittee and the District shall, based upon said additional information and any additional information which may become known to the District, including, but not limited to, meter readings, assess an additional composite connection charge. Any such charge shall be paid within 60 days after the information becomes available to the District and written notice of the additional chargers given to the permittee.

(D) In the event that the structure or building dimensions after completion vary from those set forth on the plans, which were the basis for the issuance of the connection permit, the District shall have the right to re-measure the building and re-calculate the composite connection charge. The charge for the cost of re-measuring shall be added to the revised composite connection charge, if any, otherwise added to permittee's next bill for the sewer service charge.

(Ord. 739, passed 1-17-2002)

§ 19-1.06 ASCERTAINMENT OF ANTICIPATED BUILDING USE - RESOLUTION FIXING CHARGE.

In determining the nature of the expected actual use of a building, the District shall ascertain from the plans and any other information available to it, the intended nature of the occupancy of the building. For non-single-family residential buildings, the Executive Director of the District shall, from such information as is available to the Executive Director from submissions from the applicant as well as from District records, make a recommendation to the Board of Trustees as to the percentage of the building which will be utilized for each such purpose and the Board of Trustees shall establish, by resolution, the composite connection charge.

(Ord. 739, passed 1-17-2002)

§ 19-1.07 ASSESSMENT OF CHARGES - METHOD OF AMENDING AMOUNTS OF THE CONSTITUENT PARTS OF THE CHARGE.

(A) In all cases, the description of the several parts of the composite connection charge set forth below shall be as defined in the Code under Chapter 1.

(B) The Board of Trustees hereby declares that a charge is hereby established and shall be assessed to all applicants for a permit authorizing connection to the District works of the system and those users (building, structure or complex) which are already connected to the system which for one of many reasons herein set forth may require a supplementary or amended permit and such charge shall be known as the composite connection charge.

(C) The composite connection charge shall be comprised of the constituent parts as set forth below and the charge to the applicant for connection permit or modified or supplementary connection permit shall be the sum total of the several amounts calculated in accordance with those provisions below which are applicable, as ascertained from the applicant's permit application as originally submitted or as amended, together with other pertinent information obtained by the District as a result of District experience, reference to treatises on the subject of anticipated sewage flow, or from outside knowledge or in the case of supplementary permits, from flow data from the District's billing records.

(D) For all buildings, structures or building complexes, other than single-family residences, the charge shall be established by resolution of the Board of Trustees.

(E) At any time hereafter, the Board of Trustees shall have the power to amend the dollar amount of any portion of the composite connection charge hereinafter set forth, by resolution enacted by a majority vote of the Trustees on a roll call vote. No public notice shall be required, but, in the discretion of the Board of Trustees, public notice may be given of the date and time of any meeting where a composite connection charge increase is to be considered.

(Ord. 739, passed 1-17-2002)

§ 19-1.08 REANALYSIS OF USE AFTER FULL OCCUPANCY OR AFTER FLOWS EXCEED THE PERMITTED FLOW - DISTRICT'S ASCERTAINMENT OF EXCESS FLOW.

(A) The Code of Laws of 1980, § 19-1.08, enacted April 24, 1980, states "one year after full occupancy of any non-residential building or structure is achieved, a reanalysis shall be undertaken to ascertain the correctness of the original amounts" (referring to the composite connection charge). Similar language appears on the connection permit and the permittee is directed to notify the District when such "full occupancy has been attained". To the date of the enactment of this Ordinance 739, no permittee has so advised the District. Without waiving any rights which the District was granted by § 19-1.08, as originally enacted in 1980, the District again hereby imposes upon the permittee, owner and/or user the responsibility of maintaining a sewage effluent flow within the limits of the connection permit heretofore issued under the provisions of Chapter 19. (Flow in excess of the 3,000 GPDPA flow limitation specified in Chapter 11 is addressed in Chapter 12.)

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(B) The permittee shall have the duty to notify the District at the latest of:

(1) Sixty days after one year has expired subsequent to the date on which the building, or complex has reached full occupancy; or

(1) Sixty days after the effective date of this Ordinance 739 if the building or complex has heretofore reached full occupancy.

(C) The District shall continue to have the right, established in 1980, to recalculate and further assess composite connection charges for flows which exceed the flows authorized by the latest connection permit which has been issued for the building or complex.

(D) The permittee shall, in the future, have a similar duty to notify the District within 60 days after the average flow for any successive year has exceeded the permitted flow.

(E) Upon such notification by the permittee, the District shall undertake to make the analysis necessary to ascertain the correctness of the information upon which the permit was issued for the purpose of assessing any additional charge pursuant to the sections below.

(F) The District is in the process of upgrading its computer program and system and at any time hereafter the District ascertains from its billing records that the average flows emanating from the building, structure or building complex have exceeded the permitted flows for any successive year after the latest connection permit was issued, the District shall proceed as set forth in § 19-1.09. The date of the permit shall constitute the beginning of each successive year.

(G) The District shall notify the permittee in writing of such circumstance and request the permittee to provide such information as may be relevant relating to the flows for which no permit has been issued. (Ord. 739, passed 1-17-2002)

§ 19-1.09 PERMITTEE'S VOLUNTARY NOTICE TO THE DISTRICT OF VIOLATION OF FLOW LIMITS - OPPORTUNITY TO CORRECT - ASSESSING REVISED COMPOSITE CONNECTION CHARGE - ADDITIONAL CONNECTION CHARGES DUE - WHEN PAID - SUPPLEMENTAL PERMIT TO BE ISSUED - EXCESS FLOW SURCHARGE.

(A) In the event that information presented by the permittee indicates that the permittee is exceeding the permitted flow (but not in excess of the § 11-1.02 3,000 gallons per day per acre limit, which is regulated by Chapter 12) or that the chemical consistency of the effluent is not within the limits established by the Code of Laws, as amended, or the specifications of the connection permit, the District staff shall make a recalculation of the composite connection charge based on such information and shall inform the permittee of such information and give the permittee an opportunity to bring the building flow and/or constituency into compliance with the then existing connection permit. If the permittee elects not to attempt to bring the flow within the authorized limitation or fails to do so within 180 days, the Board of Trustees shall enact a resolution establishing an additional composite connection charge for said

building, structure or building complex, based upon the then current rates for flow (but not in excess of the 3,000 GPDPA limit) and effluent constituency and the permittee shall be informed in writing that the additional composite connection charge is immediately due and payable.

(B) If there is an assessment of an additional composite connection charge upon payment of the charge by the permittee, the then existing connection permit shall be superseded by a new connection permit reflecting the modified authorized flow or constituency.

(C) If the assessment of the additional charge is based upon information obtained by the District and not voluntarily provided by the permittee, the permittee shall have the same opportunity to bring the building flow and/or constituency into compliance with the then existing connection permit. When the dollar amount of the new connection permit is calculated, there shall be a 10% surcharge added to the additional composite connection charge as a result of the failure of the permittee to notify the District of the un-permitted flow. The permittee shall pay any additional composite connection charge or arrange a payment schedule within 30 days after notice thereof. In default of payment or arrangement of a payment schedule, the connection of the building, structure or building complex shall become an illegal connection and the District may commence disconnection proceedings.

(D) In all cases after the District has received notice or knowledge of any permittee's or user's flow in excess of the permitted flow and has notified the permittee in writing of the violation of the permitted flow, until such excess flow is reduced to the permitted flow, or the permitted flow is increased in the manner provide for herein, the District shall add an excess flow surcharge to the sewer service charge bill in the amount as follows.

(1) If the excess flow exceeds 5%, but not 10% of the permitted flow, a 100% surcharge shall be added to the bill.

(2) If the excess flow exceeds 10%, but not 30% of the permitted flow, a 200% surcharge shall be added to the bill.

(3) If the excess flow exceeds 30% of the bill, a 500% surcharge shall be added to the bill.

(E) At such time as the flow is brought within the permitted amount, the excess flow surcharge shall cease.

(F) If the user has been found to be in violation of Chapter 12 and the Chapter 12 excess flow surcharge has become operational and remains in effect, the foregoing shall not be applied so long as the Chapter 12 excess flow surcharge is in effect.

(G) If any sewer service charge bill which includes a surcharge is not paid within 30 days of mailing, the District may proceed with disconnection of the building, structure or complex from the District system.

(Ord. 739, passed 1-17-2002)

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§ 19-1.10 BASIC INTERCEPTOR CHARGE.

The basic interceptor charge is \$1,400 per equivalent home (EQH). One *EQH* is defined as 350 gallons per day (GPD). The charge for each single-family dwelling (SFD) is one EQH. (Ord. 537, passed 5-28-1981; Ord. 543, passed 6-11-1981; Ord. 727, passed 4-19-2001; Ord. 735, passed 12-13-2001; Ord. 736, passed 12-17-2001; Ord. 739, passed 1-17-2002; Ord. 754, passed 5-1-2003; Ord. 773, passed 4-22-2004; Ord. 787, passed 4-21-2005; Ord. 801, passed 4-27-2006; Ord. 810, passed 4-26-2007; Ord. 819, passed 4-24-2008; Ord. 830, passed 4-30-2009; Ord. 838, passed 4-29-2010; Ord. 838, passed 9-29-2017; Ord. 838, passed 3-27-2020)

§ 19-1.11 ADJUSTMENT OF INTERCEPTOR CHARGE - SURCHARGE.

The Board of Trustees shall have the power to make exception to the interceptor portion of the composite connection charge and increase the charge in any case where the actual cost of the interceptor to which the building, structure or building complex or other structure will connect becomes known to the District, and the charge calculated, considering such cost, varies by more than 5% from the charge calculated as set forth herein. The Board shall also have the power to assess an interceptor surcharge if, after a Chapter 12 variation hearing, the District grants authority to exceed normal flow limitations. Any deviation from the § 19-1.10 charge shall require a resolution to be enacted by a majority vote of the Trustees at a duly constituted meeting of the Board of Trustees. (Ord. 739, passed 1-17-2002)

§ 19-1.12 LATERAL CHARGE.

(A) There shall be an additional connection charge chargeable to any parcel of real estate connecting to a lateral sewer which was installed by a voluntary contribution or by special assessment or, if the lateral sewer was installed by a developer who entered into a recapture agreement with the District, if the owner or former owner of such parcel of land made no voluntary contribution, the parcel was not taxed in a special assessment proceeding or the applicant or the former owner has not paid the recapture amount as is determined by the recapture agreement.

(B) Such charge shall be equal to the proportionate costs of said lateral sewer system attributable to a parcel of like size and situation as established by the special assessment proceeding, if any, or, in absence thereof, by resolution of the Board of Trustees or in the case of a recapture agreement by the terms thereof.

(C) Such charge shall be paid in full upon application for connection permit, but in case of financial need, as determined by the Board of Trustees upon hearing the request from a petitioner for installment payments, may be permitted to be paid in installments not to exceed five annual installments. If arranged to be paid in installments, there shall be additional charges of 1.5% per month plus \$250 and legal administrative fees added to the charge and the entire additional charge, including interest and legal

administrative fees shall be paid in advance. The principal amount of the connection charge plus interest shall be paid in equal annual installments as directed by the District, but not more than five annual installments. In the case where the District permits installment payments, the applicant shall, at the applicant's own expense, provide a current letter of commitment on title from a state title insurance company and the legal title holder, as indicated thereon, shall execute a deferred payment lien agreement and such lien agreement shall be recorded in the recorder's office in the county where the parcel is situated and the title commitment shall be brought down to the date of recording. Prior to the issuance of the connection permit, said title commitment must show the deferred lien agreement as a valid exception on title.

(D) In the event of the failure to pay the payments provided for in such deferred lien agreement, the District shall have the right to disconnect such parcel from the system in accordance with the disconnection provisions of this Ordinance 739. The District may, in the alternative, foreclose the lien of the deferred payment lien agreement in like manner as a mortgage foreclosure.

(E) Lateral charges are established, from time to time, as lateral sewers are installed in the District system. In cases where the lateral sewers are installed by special assessment and the property which seeks to connect has paid no portion of the assessment, the charge shall be the average charge calculated for the 10,000 square foot parcel of land based upon an analysis of the District staff of the current cost of replacement of the lateral and the parcels served. The assessment shall take into consideration the number of potential users for said lateral and shall be based one-half upon frontage and one-half upon area.

(Ord. 739, passed 1-17-2002)

§ 19-1.13 ADJUSTMENT OF LATERAL CHARGE - SURCHARGE.

The Board of Trustees shall have the power to make exception to the lateral portion of the composite connection charge and increase the charge in any case where the actual cost of the lateral to which the building, structure or building complex will connect becomes known to the District, and the charge calculated, considering such cost, varies by more than 5% from the charge calculated, as set forth hereinabove. The Board shall also have the power to assess a lateral surcharge if, after a Chapter 12 variation hearing, the District grants authority to exceed normal flow limitations. Any deviation from the § 19-1.12 charge shall require a resolution to be enacted by a majority vote of the Trustees at a duly constituted meeting of the Board of Trustees.

(Ord. 739, passed 1-17-2002)

§ 19-1.14 INSPECTION CHARGE - CONNECTION.

(A) Inspection fee for new connections: \$175 per connection. The inspection fees for repairs and disconnections will be \$175.

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(B) In those circumstances where a single-family residence is demolished, destroyed or otherwise removed and replaced with a new structure, a credit of one EQH will be provided to the new structure and application must be made for any and all permits required by District ordinances; and further, the new structure is subject to inspection, compliance with District ordinances and payment of an inspection charge.

(Ord. 625, passed 6-13-1985; Ord. 727, passed 4-19-2001; Ord. 735, passed 12-13-2001; Ord. 736, passed 12-17-2001; Ord. 739, passed 1-17-2002; Ord. 754, passed 5-1-2003; Ord. 761, passed 12-18-2003; Ord. 773, passed 4-22-2004; Ord. 787, passed 4-21-2005; Ord. 801, passed 4-27-2006; Ord. 810, passed 4-26-2007; Ord. 819, passed 4-24-2008; Ord. 830, passed 4-30-2009; Ord. 838, passed 4-29-2010; Ord. 838, passed 9-29-2017; Ord. 838, passed 3-27-2020)

§ 19-1.15 BASIC SEWAGE TREATMENT PLANT CHARGE.

(A) The basic sewage treatment plant charge is \$1,500 per EQH.

(B) All new commercial and residential connections, increase in discharge from a commercial user and reconnections that are tributary to a lift station shall be subject to a \$200 charge per EQH per lift station. For example, if a user is tributary to two lift stations, then the lift station charge per EQH will be \$400; if the property is tributary to three lift stations, the charge per EQH will be \$600.

(C) Commercial properties that connect to District infrastructure using greater than one EQH will be assessed composite connection charges in multiples of one EQH. For example, a property that discharges 700 gallons per day will be assessed a basic interceptor charge of \$2,800, a basic sewage treatment plant charge of \$3,000 and a lift station charge (if applicable) of \$400.

(D) Multi-family buildings that connect to District infrastructure will be assessed composite connection charges based upon the criteria set forth in paragraph seven of the state’s Environmental Protection Agency (EPA) instructions for fast track service connection permit application. **ONE PERSON**, as set forth in the IEPA instructions, is defined by District ordinances as equal to one population equivalent (PE), which is 100 GPD. In calculating the composite connection charges, assuming, for example, a multi-family building containing three one-bedroom units, and three two-bedroom units, and further assuming a plant charge of \$1,500, an interceptor charge of \$1,400 and a lift station charge of \$200, the composite connection charge would be calculated as follows:

Three one-bedroom units x 150 GPD =	450 GPD
Three two-bedroom units x 300 GPD =	900 GPD
Total	1,350 GPD
1,350 GPD/350 (1 EQH) =	3.86 EQH
\$1,500 x 3.86 EQH =	\$5,790 plant charge

\$1,400 x 3.86 EQH =	\$5,404 interceptor charge
\$200 x 3.86 =	\$772 lift station charge
Total	\$11,966

(Ord. 537, passed 5-28-1981; Ord. 543, passed 6-11-1981; Ord. 727, passed 4-19-2001; Ord. 735, passed 12-13-2001; Ord. 736, passed 12-17-2001; Ord. 739, passed 1-17-2002; Ord. 754, passed 5-1-2003; Ord. 773, passed 4-22-2004; Ord. 787, passed 4-21-2005; Ord. 801, passed 4-27-2006; Ord. 810, passed 4-26-2007; Ord. 819, passed 4-24-2008; Ord. 830, passed 4-30-2009; Ord. 838, passed 4-29-2010; Ord. 838, passed 9-29-2017; Ord. 838, passed 3-27-2020)

§ 19-1.16 SPECIAL FACILITIES CHARGE.

(A) The special facilities portion of the composite connection charge shall be as promulgated for a particular special facility by the Trustees, from time to time. In absence of a special enactment, the charge shall be \$100 for each equivalent family unit.

(B) The special facilities charges for facilities hereafter installed shall be declared, from time to time, by this Board of Trustees by resolution. Where, prior to the enactment of this codification, a special facilities charge has been established, it shall remain in effect.
(Ord. 739, passed 1-17-2002)

§ 19-1.17 INTERCEPTOR CONTRIBUTION CHARGE - SURCHARGE.

(A) There shall be an additional connection charge chargeable to any parcel of real estate connecting to an interceptor sewer which was installed by a voluntary contribution or by special assessment or, if the lateral sewer was installed by a developer who entered into a recapture agreement with the District, if the owner or former owner of such parcel of land made no voluntary contribution, the parcel was not taxed in a special assessment proceeding or the applicant or the former owner has not paid the recapture amount as is determined by the recapture agreement.

(B) Additional interceptor contribution charges may also be established, from time to time, as sewers are installed in the District system with District special or general funds. In cases where such sewers are installed and the property which seeks to connect has paid no portion of the cost, the charge shall be the average charge calculated for a parcel of land equal in size to the connecting parcel actually determined by comparison. The assessment shall take into consideration the number of potential users for said Interceptor and shall be based one-half upon frontage and one-half upon area.

(C) The Board of Trustees shall have the power to make exception to the interceptor contribution charge portion of the composite connection charge and increase the charge in any case where the actual cost of the interceptor to which the building, structure or building complex will connect becomes known to the District, and the charge calculated, considering such cost, varies by more than 5% from the charge

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calculated as set forth hereinabove. The Board shall also have the power to assess such a surcharge if, after a Chapter 11 variation hearing and Chapter 12 application, the District grants authority to exceed normal flow limitations. Any deviation from the § 19-1.12 charge shall require a resolution to be enacted by a majority vote of the Trustees at a duly constituted meeting of the Board of Trustees. (Ord. 543, passed 6-11-1981; Ord. 739, passed 1-17-2002)

§ 19-1.18 CONVERSION CHARGE.

There shall be an additional composite connection charge due and payable for conversion of a use from one of a lesser intensity to a greater intensity based upon the difference in intensity of use from that previously connected and the charge shall be made at time of conversion if the permittee makes application therefor. If no application is made, the charge shall be made when the District discovers that a conversion has been made. The amount thereof shall be calculated in the same manner as if the permit application were being made for a new structure based upon the additional intensity of use required by the conversion. (Ord. 739, passed 1-17-2002)

§ 19-1.19 PLAN REVIEW AND OTHER DISTRICT CHARGES AND DEPOSITS RELATED TO CONNECTION PERMITS, PERMITTED FLOW AND MISCELLANEOUS CHARGES.

The rates as set forth below shall apply until amendment by ordinance or resolution of the Board of Trustees or by adjustment by application thereto of the regular annual inflation increases authorized by the Board of Trustees, as set forth in the annual fiscal budget adopted by the Board. A current summary of such charges shall be prepared after each modification for convenience purposes. (Ord. 735, passed 12-13-2001; Ord. 739, passed 1-17-2002; Ord. 761, passed 12-18-2003)

§ 19-1.19(a) SCHEDULE OF HOURLY RATES AND ADMINISTRATIVE CHARGES.

The following schedule of hourly rates and administrative charges is hereby adopted for use in connection with the charges set forth below:

(A) The District hereby establishes the rate schedule for use in the calculation of any fees or charges which are hereafter established by the District concerning inspection charges, reviews of plans, submission of plans to the state’s Environmental Protection Agency for time expended upon behalf of any applicant or other person for time expended by staff persons.

<i>Staff Hourly Rate Schedule</i>	
Director	\$100 per hour
District engineer	\$75 per hour
District Inspector	\$60 per hour

<i>Staff Hourly Rate Schedule</i>	
Other staff persons	\$50 per hour
District attorney	\$200 per hour

<i>Administrative Charges</i>	
Copy costs: 8 1/2 x 11 11 x 17	\$0.025 per page \$0.50 per page
Postage at stamp cost	
Recording fees at cost	

(B) Administrative costs shall be added where required to defer District’s expenses incurred as a result of any action taken in regard to the functions expressed herein.
(Ord. 761, passed 12-18-2003)

§ 19-1.20 LEGAL FEES - REVIEW, CONFERENCE.

Any legal fees incurred by the District for conferences with applicants, preparation of or review of documents required in conjunction with any plan review, inspection or connection, annexation or agreement between the District and the applicant shall be paid by the applicant prior to issuance of a connection permit. Prior to preparation of any such required documents, a deposit must be made with the District in the District’s estimated amount of the cost which it will experience as a result of legal fees in such matter. The hourly rates for “in-house” counsel shall be per District staff hourly rate schedule as adjusted from time to time.
(Ord. 739, passed 1-17-2002; Ord. 761, passed 12-18-2003)

§ 19-2.01 SEGMENTATION OF PAYMENT.

The calculation and payment of the composite connection charge may be segmented as follows: the initial installment being the plan review charge and the second installment, if and when the project proceeds to construction for a sewer extension, being the sewer extension charge and the inspection charge. No segmentation shall be made of the remaining portions of the composite connection charge and no connection of a structure or building shall be, directly or indirectly, made to the works of the system until the entire balance of the composite connection charge shall have been paid in advance, except in the case where a deferred payment lien agreement is authorized by the Board of Trustees, providing for full payment of the amount of the charge, interest and legal administrative fees and such agreement is executed by the owners and the District and is recorded as a lien upon the land as set forth below and such lien shows upon a current letter of commitment on title delivered to the District in the same manner as is set forth in § 19-1.12.
(Ord. 739, passed 1-17-2002)

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§ 19-2.02 MANNER OF ENTRY - CONTRACT.

The President of the District and the Executive Director shall have authorization to enter into agreements between delayed payment applicants and the District providing for such installment payments; provided, however, no such agreement shall result in payment to the District less than the total composite connection charge in effect at the time of entry of the agreement, including an additional charge thereon for interest at the rate of 12% per annum on the unpaid portion thereof and legal administrative fees.

(Ord. 739, passed 1-17-2002)

§ 19-2.03 DISCONTINUANCE OF SERVICE.

Any such deferred lien payment agreement shall contain a provision permitting the District to discontinue service in the event of non-payment of such installments.

(Ord. 739, passed 1-17-2002)

§ 19-3.01 BUILDING OR STRUCTURE REMOVAL OR PARTIAL REMOVAL - DISCONNECTION - PERMIT - CHARGE - NEW BUILDING SEWER LINE.

(A) In the event that any structure or building is to be demolished or razed, a disconnection permit is required and an inspection of the disconnection shall be made as follows: \$100 per inspection required.

(B) If the portion of a building to which the building service line is connected is to be demolished or razed, an inspection permit shall be required. If, at any time, an inspection discloses that the building service line is constructed of any material which permits infiltration of ground water into the District system, or the conduit or tile is in deteriorated condition, or otherwise in need of replacement, the District shall so inform the applicant or owner. Failure to remedy the deficiency within a reasonable time, not to exceed 30 days, weather permitting, shall constitute the authority for the District Inspector to place a red-tag in a prominent place on the building indicating that work on the building shall cease and the owner or contractor doing the work must contact the District and to obtain a permit to install a new building sewer line.

(C) In all cases where there has been a disconnection, the applicable composite connection charge shall be paid prior to re-connection.

(Ord. 696, passed 5-19-1994; Ord. 739, passed 1-17-2002)

§ 19-4.01 EXPIRATION OF UNUSED CONNECTION PERMITS.

(A) All permits issued for new connections to the works of the system shall expire one calendar year from the date of issuance.

(B) A refund of the interceptor and plant charge portion thereof shall be paid to the person to whom the permit was issued or his or her assignee by duly executed written assignment for any unused permit upon request of the permittee's assignee. There shall be required to be submitted with the request a copy of the receipt for payment of the original charge and the original permit issued by the District must be surrendered with said written request. No interest shall be paid on said refund.

(C) The inspection portion of the composite connection charge shall not be refundable for expired permits.

(D) All existing unused connection permits shall remain valid for one calendar year from the effective date of this chapter.

(E) A permit shall be deemed to be unused if the actual connection to the District's works of the system has not been made on the expiration date as set forth herein.

(F) In all cases where a new permit is issued on a parcel where a former permit has expired, the permittee shall pay the current charges as are set forth in the ordinance in effect at the date of application.

(Ord. 537, passed 5-28-1981; Ord. 543, passed 6-11-1981)

§ 19-5.01 STAFF RECOMMENDATION.

The Board of Trustees hereby adopts the staff recommendation.
(Ord. 805, passed 10-19-2006)

§ 19-5.02 RELIANCE UPON CERTIFICATION.

The District Inspector is hereby given authority to rely upon a certification of any one or more of the State Plumbing Inspector, the architect responsible for the preparation and certification of the plans and specifications upon which the connection permit was issued, and/or the state licensed plumber who installed the plumbing system within the building relating to the compliance with the District requirements for connection of any building to any sewer line which is tributary to the District collection system.

(Ord. 805, passed 10-19-2006)

§ 19-5.03 MATTERS TO WHICH CERTIFICATION SHALL BE MADE.

The matters to which the certification shall be made are:

(A) The location and separation of the storm water sump and the sanitary waste sump is at least ten feet apart from rim to rim;

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(B) That there are no interconnections, directly or indirectly, to such sumps and that no storm water will be discharged into the District system from the internal plumbing system; and

(C) That the building drain, that portion of the plumbing system which connects the interior plumbing system to the building service line which connects to the public sewer, is constructed materials specified as being required by the District to qualify for connection to the District system and that the building drain is not installed under the basement floor, but rather as an overhead sewer exiting the building in such a manner as to preclude any sanitary wastewater from the public sewer from entering the building in times of sewer surcharge.

(Ord. 805, passed 10-19-2006)

§ 19-5.04 FALSE CERTIFICATION.

If the District ascertains that there may have been a false certification, the District shall, upon a hearing on the subject before the District hearing officer, determine the facts and, if there was a false certification upon recommendation to the Board of Trustees, the Board of Trustees shall disqualify such falsely certifying person from performing any further work within the District. In the case of an architect so falsifying, the District shall reject all future plans submitted for approval from such person for a period of five years.

(Ord. 805, passed 10-19-2006)

§ 19-5.05 PERSUASION.

The District staff and attorney shall take all necessary steps to persuade the State Plumbing Licensing Department that its interpretation is incorrect, and, in the event that it cannot be persuaded, to seek a court ruling thereon.

(Ord. 805, passed 10-19-2006)

CHAPTER 20: OCCUPANCY PERMIT

CHAPTER 20: OCCUPANCY PERMIT

Section

- 20-1.01 Permit upon construction or remodeling
- 20-1.02 Inspection - issuance of permit
- 20-1.03 Inspection subsequent to construction
- 20-1.04 Review - notice of violation
- 20-1.05 Violation
- 20-1.06 Revocation of occupancy permit
- 20-1.07 Disconnection for failure to correct deficiencies

§ 20-1.01 PERMIT UPON CONSTRUCTION OR REMODELING.

No building or structure constructed, or remodeled portion of a building or structure constructed, hereafter shall be occupied until the District Inspector shall have made a final inspection of the building or structure to ascertain whether the ordinances, resolutions, rules and regulations of the District have been complied with and, in fact, are being complied with at the time of the inspection.

(Prior Code, § 20-1.01)

§ 20-1.02 INSPECTION - ISSUANCE OF PERMIT.

(A) If the inspection confirms compliance with all of the ordinances, resolutions, rules and regulations of the District, the Inspector shall so report to the District, whereupon the District shall issue an occupancy permit.

(B) Such permit shall recite:

The building or structure at (insert address) has been inspected by the Flagg Creek Water Reclamation District and has been found to be in compliance with all of the Ordinances, Resolutions, Rules and Regulations of the District as of (insert date) . Occupancy of said Building or Structure is permitted by the Flagg Creek Water Reclamation District. (Issuance of the neither District permit does not serve as nor excuse obtaining of any similar permit from any municipal authority having jurisdiction over the construction or occupancy of such Building or Structure.)

(Prior Code, § 20-1.02)

§ 20-1.03 INSPECTION SUBSEQUENT TO CONSTRUCTION.

If, under any provisions of the ordinances, resolutions, rules and regulations of the District providing for an inspection of a building or structure, an inspection of the premises results in a determination by the Inspector that the building fails to be in compliance with the ordinances, resolutions, rules and regulations of the District, the Inspector shall report such deficiencies to the Director.

(Prior Code, § 20-1.03)

§ 20-1.04 REVIEW - NOTICE OF VIOLATION.

The District Director shall review the inspection report and confirm to his or her satisfaction the existence of the deficiencies. After confirmation, the District shall send the following notice of violation to the owner and/or occupant of the building or structure:

NOTICE OF VIOLATION

An inspection of the premises commonly known as (insert address) by the Flagg Creek Water Reclamation District has disclosed the following Violations of District Ordinances, Resolutions, Rules and Regulations: (here insert particulars) (including Ordinance Section) You are notified that unless the deficiencies are corrected within thirty (30) days the occupancy of this building will become illegal under District ordinances.

(Prior Code, § 20-1.04)

§ 20-1.05 VIOLATION.

It shall be unlawful for any person or entity to occupy a building or structure found by the District to be in violation of the ordinances, resolutions, rules and regulations of the District if said building or structure is not brought into compliance within 30 days after receipt of notice of such violation whether or not a previous occupancy permit was issued by the District.

(Prior Code, § 20-1.05)

§ 20-1.06 REVOCATION OF OCCUPANCY PERMIT.

Mailing of such notice shall operate as a revocation of any occupancy permit theretofore issued by the District effective 35 days after delivery of a notice of violation.

(Prior Code, § 20-1.06)

§ 20-1.07 DISCONNECTION FOR FAILURE TO CORRECT DEFICIENCIES.

Any building or structure for which a notice of violation has been served shall be subject to disconnection from the District system in the manner set forth in this Ordinance.
(Prior Code, § 20-1.07)

CHAPTER 21: SEWAGE DISPOSAL SEWERAGE CHARGE

CHAPTER 21: SEWAGE DISPOSAL SEWERAGE CHARGE

Section

Article 1. Sewage Charge

- 21-1.01 Policy
- 21-1.02 Sewerage charge
- 21-1.03 Payment
- 21-1.04 Basis of charge
- 21-1.05 Exception

Article 2. Annexation and Development and Redevelopment Charge

- 21-2.01 Recommendations
- 21-2.02 Study required for large developments or redevelopments
- 21-2.03 Study required for new large parcel annexations
- 21-2.04 Redevelopment charge established
- 21-2.05 Amount of redevelopment charge
- 21-2.06 Charges in addition to others in effect

ARTICLE 1. SEWAGE CHARGE

§ 21-1.01 POLICY.

It is the policy of the District to maintain a sewer cleaning program and to clean all lateral sewers owned or maintained by the District not less than once each five years and more often in areas of difficulties.

(Prior Code, § 21-1.01)

§ 21-1.02 SEWERAGE CHARGE.

The charge for said service shall be as follows: pursuant to the statutes authorizing sewerage charges for maintenance of the system and debt service of revenue bond issue, rates and charges for each of the several classes of users and uses of and for the service supplied by the sanitary sewerage system of the

Flagg Creek Water Reclamation District - Sewage Disposal Sewerage Charge

District, Cook and DuPage Counties and the rates to be charged therefor shall be and are hereby fixed in accordance with the following schedule:

<i>Class of Service</i>	<i>Establishment - Rates Description and Charges</i>
Class A	Users in areas where the District owns, operates and maintains the lateral sewers. The charge shall be \$0.1333 per 1,000 gallons of water used
Class B	Users in areas tributary to lateral sewers installed under the jurisdiction of the Oak Brook Utility Company. The charge shall be \$0.3333 per 1,000 gallons of water used
Class C	Users in areas where the District owns, operates and maintains the lateral sewers, but the user is not served by metered water supply. The charge shall be \$1 month
Class D	Users in areas tributary to lateral sewers installed under the jurisdiction of the Oak Brook Utility Company, but now owned, operated and maintained by the District and not served by a metered water supply. The charge shall be \$2.50 per month
Class E	Users residing in Golf View Hills area tributary to lateral sewers owned, operated and maintained by the District. The charge shall be \$1 per month per home (per prior agreement)
Class F	Users other than single-family homes in areas tributary to lateral sewers owned, operated and maintained by the District not served by a metered water supply. The charge shall be \$0.1333 per 1,000 gallons design daily flow
Class G	Users other than single-family homes in areas tributary to lateral sewers installed under the jurisdiction of the Oak Brook Utility Company but now owned, operated and maintained by the District not served by a metered water supply. The charge shall be \$0.3333 per 1,000 gallons design daily flow

(Prior Code, § 21-1.02)

§ 21-1.03 PAYMENT.

(A) Said rates and charges for the use and service of said sewage system shall be payable monthly, bi-monthly or quarterly, as shall be directed by the Board of Trustees of the District, and shall be payable upon being mailed. The owner of the real estate, the occupant thereof and the user of the service shall be jointly and severally liable for the cost of the service on such premises and the service is furnished to the premises by the District solely upon the condition that the owner of the real estate, occupant and user of the service are jointly and severally liable therefor to the District. All bills for use and service shall be payable within 25 days after mailing thereof. The net amount of said billing may be paid, at any time, prior to the end of said 25-day period, without penalty. Thereafter, for each month that the net amount remains unpaid, there shall be added thereto a penalty at the rate of 1.5% each month until paid. Bills for single service entities with multiple water meters shall be considered as one bill, and, if any portion thereof is unpaid, the entire amount shall be considered delinquent. In the event that any

such service entity fails to pay the bill charges for 25 days after the due date, the District may proceed to terminate service and such service termination shall be in accordance with the provisions of this Ordinance related to service termination for failure to pay charges. In the alternative, the District may proceed in accordance with the provisions of this Ordinance, relating to filing of liens and foreclosure thereof.

(B) In the event the charges for the use and service are not paid within 25 days after billing of the bill for which use and service has been supplied, such charges shall be deemed and hereby declared to be delinquent, and thereafter, upon recording such delinquencies, shall constitute liens upon the real estate for which such use and service is applied. The Clerk is hereby authorized and directed to file sworn statements showing such delinquencies, in either the office of the Recorder of Deeds of Cook or DuPage County, or in the office of the Registrar of Titles of Cook County, and the filing of such statements in the appropriate office shall be deemed notice for the payment of such charges for such use and service. At any time after the filing of a lien, the District may elect to foreclose said lien, and the procedure for the foreclosure of said lien shall be the same as is set forth in the Illinois Revised Statutes for foreclosure of real estate mortgages.

(Prior Code, § 21-1.03)

§ 21-1.04 BASIS OF CHARGE.

The charge shall be based upon equivalent family unit.

(Prior Code, § 21-1.04)

§ 21-1.05 EXCEPTION.

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

(Prior Code, § 21-1.05)

ARTICLE 2. ANNEXATION AND DEVELOPMENT AND REDEVELOPMENT CHARGE

§ 21-2.01 RECOMMENDATIONS.

The Board of Trustees acknowledges and accepts the concerns and recommendations of the Staff concerning the burdens which will be imposed upon the works of the system as a result of new large developments, redevelopments or new territory being annexed to the District.

(Ord. 794, passed 12-15-2005)

§ 21-2.02 STUDY REQUIRED FOR LARGE DEVELOPMENTS OR REDEVELOPMENTS.

Before any new large developments or redevelopments are authorized or approved on territory situated within the District and before any permits are issued, the District shall require a study to be made by an engineering firm designated by the District to ascertain what, if any specific improvements must be made to the works of the system to accommodate the burden upon such system will be imposed by the development. The cost of such study shall be borne by the owner of the land proposed to be developed.

(Ord. 794, passed 12-15-2005)

§ 21-2.03 STUDY REQUIRED FOR NEW LARGE PARCEL ANNEXATIONS.

Before any new large parcels of land are annexed to the District and/or developments to be situated thereon are authorized or approved and before any permits are issued, the District shall require a study to be made by an engineering firm designated by the District to ascertain what, if any specific improvements must be made to the works of the system to accommodate the burden upon such system will be imposed as a result of the annexation of such lands and their proposed development. The cost of such study shall be borne by the owner of the land proposed to be annexed developed.

(Ord. 794, passed 12-15-2005)

§ 21-2.04 REDEVELOPMENT CHARGE ESTABLISHED.

In both or either case described in §§ 21-2.02 and 21-2.03, the cost of the improvements which are required to serve such parcels after development shall be taxed to such parcels, as an annexation charge in the case of territory not within the District and in the case of parcels within the District which have been previously developed and utilized for some other use than the intended new development use, as a "Redevelopment Charge".

(Ord. 794, passed 12-15-2005)

§ 21-2.05 AMOUNT OF REDEVELOPMENT CHARGE.

In the event that a request for redevelopment approval or annexation is sought within 12 months from the enactment of this Ordinance 794, the annexation charge or redevelopment charge shall be a minimum of \$1,500 per acre of land annexed or developed or redeveloped and a maximum of the estimated amount of the cost of the necessary improvements to the works of the system. The minimum amount shall be adjusted periodically to include the inflation data disclosed by the McGraw-Hill Construction ENR - ENR City Cost Index - Chicago (or such other similar or replacement index which fairly indicates the effect of inflation on the costs of replacement of the infrastructure required by the development. The District staff is hereby directed to make further analysis to determine the adequacy of such charges to make the necessary improvements to the works of the system to enable the District to serve such lands and to report back to the Board with its recommendation within said period of time.

(Ord. 794, passed 12-15-2005)

§ 21-2.06 CHARGES IN ADDITION TO OTHERS IN EFFECT.

The charges established under this Ordinance 794 are in addition to those charges heretofore enacted, and in particular are in addition to the composite connection charge, composite connection charge surcharge, as well as all others presently in effect.

(Ord. 794, passed 12-15-2005)

**CHAPTER 22: SEWAGE DISPOSAL - PUBLIC - SEWERS PERIODIC
CHARGES - FEDERAL USER IN LIEU OF AD VALOREM TAXES**

**2 Flagg Creek Water Reclamation District - Sewage Disposal - Public - Sewers Periodic
Charges - Federal User in Lieu of Ad Valorem Taxes**

CHAPTER 22: SEWAGE DISPOSAL - PUBLIC - SEWERS PERIODIC CHARGES - FEDERAL USER IN LIEU OF AD VALOREM TAXES

Section

Article 1. Sewers Periodic Charges

- 22-1.01 User charge - policy
- 22-1.02 Tax abatement
- 22-1.03 Adoption of staff assumptions and analyses as set forth in Preamble of Ordinance 405
- 22-1.04 Method of procedure
- 22-1.05 Nonduplication of charges - authority
- 22-1.06 Commencement - user charge
- 22-1.07 Commencement - industrial cost recovery
- 22-1.08 Adoption of federal promulgation
- 22-1.09 Declaration of percentage of total annual costs
- 22-1.10 Declaration of percentage of use
- 22-1.11 Annual declaration of costs
- 22-1.12 Declaration of allowable concentrations of chemicals
- 22-1.13 Excess discharges - violations
- 22-1.14 Adoption of federal models
- 22-1.15 Annual declaration of cost recovery amounts
- 22-1.16 Budget - operation - maintenance and replacement
- 22-1.17 Division of expenses for UCS purposes
- 22-1.18 Establishment of the federal user charge
- 22-1.19 Establishment of federal industrial cost recovery charge
- 22-1.20 Applicability of charges for new users
- 22-1.21 Manner of billing and collection
- 22-1.22 Segregation of Industrial Cost Recovery Funds
- 22-1.23 Termination procedure
- 22-1.24 Non-payment procedure
- 22-1.25 Notice of termination
- 22-1.26 Alternative - lien
- 22-1.27 Reinstatement of service
- 22-1.28 Requirement of installation of water meters and composite samplers
- 22-1.29 Inspections on private property and right to enter upon the premises to read the water meter
- 22-1.30 Budget amendments
- 22-1.31 Retirement of revenue bonds

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- 22-1.32 Enforcement and penalties
- 22-1.33 Repealer

Article 2. NSF or Refused Payment

- 22-2.01 Adoption of policy assessing an NSF or refused payment or closed account charge
- 22-2.02 Charging simple interest insufficient
- 22-2.03 Duty of staff to analyze cost of issuing bills
- 22-2.04 Bad checks
- 22-2.05 Charge for returned checks
- 22-2.06 Late charge
- 22-2.07 Interest on delinquent accounts

ARTICLE 1. SEWERS PERIOD CHARGES

§ 22-1.01 USER CHARGE - POLICY.

(A) It is hereby declared to be the policy of the District to adhere to the requirements of the Code of Federal Regulations, Title 40 - Protection of the Environment, Chapter 1 - Environmental Protection Agency, Subchapter D - Grants, Part 35 - State and Local Assistance, Final Grant Regulations, effective February 11, 1974, being 40 C.F.R. §§ 35.001 et seq., and all subsequent enactments and regulations issued pursuant to the Federal Water Pollution Control Act of 1972, being 33 U.S.C. §§ 1251 et seq. This section is a separate enactment enacted under federal law and its provisions shall be self-sufficient and not dependent upon any other section except where expressly so stated.

(B) In this codification Ordinance 405, the underlying ordinance expressing the principles established by the District in compliance with the Federal Grant regulations remains generally unrepealed. The sections which are enacted herein are in part reprinted for convenience purposes, but some amendments have been made reflecting new concepts and others for clarity. In all cases, the intent is and it is hereby ordained that Ordinance 405 remains in effect and the charges under Ordinance 405 shall continue to apply until the date that the provisions and/or charges hereunder become effective. (Prior Code, § 22-1.01)

§ 22-1.02 TAX ABATEMENT.

(A) From and after the effective date of this Ordinance, the District shall cease levying ad valorem taxes to provide funds for the operation, maintenance and replacement of the works of the system and, in lieu thereof, shall assess to all users, in accordance with the provisions set forth below, a federal user charge in lieu of ad valorem taxes. The funds received or accrued under the provisions of this Ordinance shall be, and for all purposes they shall be, deemed to be the same as if they were collected by the

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

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

(Prior Code, § 22-1.02)

§ 22-1.03 ADOPTION OF STAFF ASSUMPTIONS AND ANALYSES AS SET FORTH IN PREAMBLE OF ORDINANCE 405.

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

(Prior Code, § 22-1.03)

§ 22-1.04 METHOD OF PROCEDURE.

From and after February 1, 1975, the Board of Trustees shall discontinue the statutory procedure under the Sanitary District Act of 1917, being 70 ILCS 2405/, for appropriation and levy, where applicable, of an ad valorem tax for the operation, maintenance and replacement of the works of the system. The Board shall continue, under the applicable state statutes, to follow the appropriation and levy procedures for all other District functions not contained within the operation, maintenance and replacement budgets, specifically including funds for general obligation bond debt service and public benefit funds, as authorized in 70 ILCS 2405/18.

(Prior Code, § 22-1.04)

§ 22-1.05 NONDUPLICATION OF CHARGES - AUTHORITY.

USER CHARGE, as defined in this Ordinance, shall mean the federal user charge in lieu of ad valorem taxes, and shall be commonly referred to as *USER CHARGE*. It shall be deemed that there is no duplication of the charges made hereunder and any charges made under any other sections of this Ordinance which may coincidentally refer to the term *USER CHARGE*. The charges assessed hereunder are specifically a substitute for ad valorem taxes, as provided by the federal regulations and the comptroller general's interpretation thereof, as set forth in the July 2, 1974 decision identified as file no. B166506.

(Prior Code, § 22-1.05)

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§ 22-1.06 COMMENCEMENT - USER CHARGE.

Commencing with the effective date of this Ordinance, the District shall charge federal user charges and industrial user surcharges to defer the costs of the operation, maintenance and replacement of the works of the system of the District in lieu of ad valorem taxes. Until said effective date, Ordinance 405 shall remain applicable.

(Prior Code, § 22-1.06)

§ 22-1.07 COMMENCEMENT - INDUSTRIAL COST RECOVERY.

Commencing with the effective date of this Ordinance, the District shall charge all industrial users who have commenced use of the treatment works, an industrial cost recovery charge to recover the federal grant funds attributable to the industrial users, as defined in 40 C.F.R. § 35.928-1. Until said effective date, Ordinance 405 shall remain applicable.

(Prior Code, § 22-1.07)

§ 22-1.08 ADOPTION OF FEDERAL PROMULGATION.

Such user charge, industrial user surcharge and industrial cost recovery charge shall be based upon the provisions of the federal act and regulations as are set forth in Ordinance 405 and all other applicable federal acts and regulations referred to therein, and they are adopted hereby as a part of this Ordinance.

(Prior Code, § 22-1.08)

§ 22-1.09 DECLARATION OF PERCENTAGE OF TOTAL ANNUAL COSTS.

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

Non-industrial user charge (domestic type wastes)	78%
Industrial user charge (domestic type wastes)	22%
Industrial user surcharge (non-domestic type wastes)	0%

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

(Prior Code, § 22-1.09)

§ 22-1.10 DECLARATION OF PERCENTAGE OF USE.

(A) The Board of Trustees shall determine and declare annually, by resolution or otherwise, the following:

(1) The percentage of contribution of domestic waste inflow/District of each of the following categories of users of the works of the system for UCS purposes:

(a) Domestic:

1. Single family-residence; and
2. Other residential.

(b) Commercial;

(c) Industrial;

(d) Institutional; and

(e) Governmental.

(2) The percentage of contribution of non-domestic waste inflow/District of each of the following categories of users of the works of the system for UCS purposes:

(a) Domestic - other than single-family residential;

(b) Commercial;

(c) Industrial;

(d) Institutional; and

(e) Governmental.

(3) The percentage of contribution of industrial wastewater inflow/District for all industrial users, as defined for ICRS purposes.

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

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(C) Such table includes the chemical constituency of normal domestic waste, as well as establishing the rates of discharge and cost of treatment for removal of certain chemicals. Such cost of treatment may be amended, from time to time, by resolution of the Board of Trustees.
(Prior Code, § 22-1.10)

§ 22-1.11 ANNUAL DECLARATION OF COSTS.

<i>Chemical Constituent</i>	<i>Volume Domestic</i>	<i>Rate of User Discharge</i>	<i>I.E.P.A. EFF. Require</i>	<i>For Volumes Exceeding Single-Family Usage Costs/MG/1,000 Gals</i>
Ammonia Nitrogen (ASN)	30 mg/L	30 mg/L	1.5 mg/L	\$0.03
Arsenic		5 mg/L	1 mg/L	\$0.07
Barium		25 mg/L	5 mg/L	\$0.20
Biochemical oxygen demand	250 mg/L	250 mg/L	5 mg/L	\$0.0523
Boron		5 mg/L	1 mg/L	\$0.19
Cadmium		0.25 mg/L	0.05 mg/L	\$0.07
Chlorides	100 mg/L	100 mg/L	500 mg/L	\$0.49
Chromium (tot. hexavalent)		0.5 mg/L	0.05 mg/L	\$2.50
Chromium (tot. trivalent)		5 mg/L	1 mg/L	\$0.60
Copper		0.1 mg/L	0.02 mg/L	\$0.08
Cyanide		0.335 mg/L	0.025 mg/L	\$0.05
Fluoride	0.8 mg/L	1.4 mg/L	1.4 mg/L	\$0.25
Iron (total)	0.8 mg/L	5 mg/L	1 mg/L	\$0.08
Lead (total)		0.5 mg/L	0.1 mg/L	\$1
Manganese (total)		5 mg/L	1 mg/L	\$0.01
Mercury (total)				\$2
Nickel (total)		0.0025 mg/L	0.0005 mg/L	\$0.35
Oil (hexane solubles)	100 mg/L	75 mg/L	15 mg/L	\$0.50
pH	6 - 9	5.5 - 9	6.5 - 9	\$0.10
Phenols		0.5 mg/L	0.1 mg/L	\$0.08
Phosphorous (p)	10 mg/L	10 mg/L	1 mg/L	\$0.03
Selenium (total)		5 mg/L	1 mg/L	\$0.10

**Sewage Disposal - Public - Sewers Periodic Charges - Federal User in Lieu of
Ad Valorem Taxes**

<i>Chemical Constituent</i>	<i>Volume Domestic</i>	<i>Rate of User Discharge</i>	<i>I.E.P.A. EFF. Require</i>	<i>For Volumes Exceeding Single-Family Usage Costs/MG/1,000 Gals</i>
Silver (total)		0.025 mg/L	0.005 mg/L	\$0.100
Sulfate		2,500 mg/L	500 mg/L	\$0.10
Suspended solids	300 mg/L	275 mg/L	6 mg/L	\$0.0587
Total dissolved solids	5,000 mg/L	5,000 mg/L	1,000 mg/L	\$0.08
Zinc		5 mg/L	1 mg/L	\$0.25
Volume of flow	250 G/D each home	400 G/D equivalent homes in floor area	400 G/D each home	\$0.07

(Prior Code, § 22-1.11)

§ 22-1.12 DECLARATION OF ALLOWABLE CONCENTRATIONS OF CHEMICALS.

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

(Prior Code, § 22-1.12)

§ 22-1.13 EXCESS DISCHARGES - VIOLATIONS.

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

(A) *First violation.* The District shall notify the user of the violation and shall establish a date for a conference with the user within ten days of ascertainment of the violation. At such conference, the District shall determine the nature of the action of the user being taken to preclude a recurrence of the violation. If it appears that the user is taking or has taken steps to preclude the recurrence, no further steps shall be taken by the District other than to verify that the planned steps have actually been taken.

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

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

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

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

(Prior Code, § 22-1.13)

§ 22-1.14 ADOPTION OF FEDERAL MODELS.

The Board of Trustees hereby adopts model formulas one and two from the appendix of the regulations for use by the staff of the District in determining the billing to the several owners and classes of users contribution wastewater inflow/District to the works of the system.

(A) Model one shall be utilized for the percentage of the works of the system declared by the Board of Trustees to be allocated to treatment of domestic wastes.

(B) Model two shall be utilized for the percentage of the works of the system declared by the Board of Trustees to be allocated for other than treatment of domestic wastes, or where BOD, suspended solids or other pollutant concentrations exceed the range of concentration of these pollutants in normal domestic wastes or where abnormal flow characteristics are exhibited, and the result determined thereby shall be used in the calculation and assessment of the industrial user surcharge.

(Prior Code, § 22-1.14)

§ 22-1.15 ANNUAL DECLARATION OF COST RECOVERY AMOUNTS.

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

(Prior Code, § 22-1.15)

§ 22-1.16 BUDGET - OPERATION - MAINTENANCE AND REPLACEMENT.

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

(B) (1) The budget shall be submitted to the Board of Trustees and shall be considered and amended, if necessary, and shall be adopted by the Board of Trustees, as the operation, maintenance and replacement budget of the District for the subsequent fiscal year, by ordinance, in like manner as the appropriation ordinance is required to be enacted in accordance with state law. The District shall continue to prepare the budget and appropriation and levy ordinances for all funds and expenditures not related to operation, maintenance and replacement in the manner provided under the Illinois Revised Statutes.

(2) The budget shall provide for the following:

(a) Distribution among the several users and classes of users of the following:

1. The cost of operation, maintenance and replacement of the proportion of the works of the system utilized for treatment of primarily domestic wastes, based upon the known and estimated anticipated costs. Each fiscal year budget shall specifically state the percentage of the total budget related to domestic wastes; and

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

(b) The budget shall specify the following:

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

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

(Prior Code, § 22-1.16)

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§ 22-1.17 DIVISION OF EXPENSES FOR UCS PURPOSES.

(A) There shall be submitted to the Board of Trustees, simultaneously with the budget, a summary total of wastewater loadings, as defined herein under **WASTEWATER LOADINGS**, emanating from all users during the previous 12-month period.

(B) The Board of Trustees shall divide the respective portions of the budget total into the total wastewater loadings as thus calculated for each category according to the declared percentages of use and arrive at the user charge cost per 1,000 gallons to be used for the subsequent year for each category. (Prior Code, § 22-1.17)

§ 22-1.18 ESTABLISHMENT OF THE FEDERAL USER CHARGE.

From and after the effective date of this Ordinance, there shall be, and there is hereby, established a fiscal federal user charge in lieu of ad valorem taxes per unit of measurement, as defined herein, which charge shall be made to each individual user, including governmental users, as established in accordance with the budget procedures set forth above, in order to distribute the costs of operation, maintenance and replacement of the works of the system of each user or user class in the approximate proportion to such user or user class to his or her contribution to the total wastewater loadings of the works of the system. The fiscal charge shall become a lien upon the lands within the District on January 1 of each year; however, the lien imposed by Ordinance 405 shall remain in full force and effect after passage of this Ordinance. The charge shall be payable in quarterly installments based upon use. The constituent parts of charges to differing

- | |
|---|
| Flat rate charge
Service availability charge
Computed user charge, non-industrial
Estimated user charge, non-industrial
Computed industrial user surcharge estimated
Industrial user surcharge |
|---|

classes of users shall be as follows and such charge shall be based on the most recent ascertainable information.

(A) The user charge unit cost for all solely domestic waste contributors with normal flow rate characteristics shall be fiscally determined by ascertaining the result obtained by dividing the proportion of the budget relating to primarily domestic type wastes into the sum total of individual wastewater loadings for all solely domestic waste contributors with normal flow rate characteristics, as determined by water meter readings; flow meter readings, if any; and flat rate estimates of flow related to the percentage of use declared for non-industrial users, as per model one.

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

(1) The result obtained by dividing the proportion of the budget relating to primarily domestic-type wastes of industrial users into the portion of the sum total of the industrial wastewater loadings;

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

(3) The charge made to each industrial user for having abnormal flow rate characteristics; and

(4) For ease of calculation of one, two and three charges, models one and two shall be utilized in setting actual charges.

(Prior Code, § 22-1.18)

§ 22-1.19 ESTABLISHMENT OF FEDERAL INDUSTRIAL COST RECOVERY CHARGE.

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

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

	#1		$T = Tpe$
		QP	
	#2		$Tpe X = Y$
		L	
QP =	Total cost of project.		
	Total capacity of project in population equivalents.		
	Total life of project.		
X	Total population equivalent loading attributable to an individual industrial user per unit of time.		
	Individual industrial user cost recovery charge per unit of time.		

(Prior Code, § 22-1.19)

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§ 22-1.20 APPLICABILITY OF CHARGES FOR NEW USERS.

(A) New users for which no water meter readings are yet available shall be charged the applicable flat rate until sufficient meter readings are available to ascertain their contribution to the works of the system.

(B) (1) The initial flat rate charge for new users obtaining permits subsequent to the effective date of this Ordinance shall be deposited at the time of issuance of connection permit, and regular billings shall commence on the first day of the first full quarter next succeeding the date of the issuance of the connection permit by the District.

(2) The flat rate shall be applicable thereafter until meter readings become available, except in cases where the Executive Director of the District submits to the Board of Trustees an estimate of expected use and the Board of Trustees approves the estimate and assesses a specific flat rate charge by resolution.

(Prior Code, § 22-1.20)

§ 22-1.21 MANNER OF BILLING AND COLLECTION.

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

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

(C) (1) As soon as practicable after the availability of meter or flow data is supplied to the District, the bills for the period covered shall be sent out.

(2) The billings shall become due 30 days after mailing with delinquent penalties being assessed if not paid when due and may be paid prior to the due date without penalty at their net amount.

(3) Thereafter, for each month that the net amount remains unpaid, there shall be added thereto a penalty at the rate of 1.5% each month until paid.

(4) Bills for single users with multiple water meters shall be considered as one bill, and, if any portion thereof is unpaid, the entire amount shall be considered to be delinquent.

(5) In the event that any user fails to pay the billed charge for 90 days after the due date, the District shall proceed to terminate service and serve termination notice upon such user, as provided below, or in the alternative, the District may file a lien of record in the Recorder's office of the county in which the user is located in accordance with the provision set forth herein.

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

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

BILLING TO THE USER

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

BILLING TO THE OWNER

This bill is for the Federal User Charge and/or Surcharge in Lieu of Ad Valorem Taxes and/or the Industrial Cost Recovery Charge to defray the cost of operation, maintenance and replacement of the Works of the System for the premises occupied and used by (insert name of user.) The charges set forth hereon have been billed to the person being billed for water service. They have not been paid to this date. A subsequent billing has been made simultaneously herewith to the user. In the event that the user fails to pay these charges it shall be the duty of the owner of the building to pay them. These charges constitute a lien upon the land and failure to pay them will result not only in termination of sanitary sewer service to the building, but actual disconnection of the building from the sanitary facilities.

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

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

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

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

(H) Where there is no public water system for multiple occupancy residential buildings, the District shall ascertain the name of each occupant and the name of the owner of the building and/or of each occupancy unit, and the bills shall be sent to the occupant and the owner, with the following legend on the reverse side thereof:

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

(Prior Code, § 22-1.21)

§ 22-1.22 SEGREGATION OF INDUSTRIAL COST RECOVERY FUNDS.

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

(Prior Code, § 22-1.22)

§ 22-1.23 TERMINATION PROCEDURE.

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

(Prior Code, § 22-1.23)

§ 22-1.24 NON-PAYMENT PROCEDURE.

See Chapter 28.
(Prior Code, § 22-1.24)

§ 22-1.25 NOTICE OF TERMINATION.

See Chapter 28.
(Prior Code, § 22-1.25)

§ 22-1.26 ALTERNATIVE - LIEN.

See Chapter 28.
(Prior Code, § 22-1.26)

§ 22-1.27 REINSTATEMENT OF SERVICE.

See Chapter 28.
(Prior Code, § 22-1.27)

§ 22-1.28 REQUIREMENT OF INSTALLATION OF WATER METERS AND COMPOSITE SAMPLERS.

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

(B) *Flow meter and composite sampler.* All industrial users not having a flow meter and composite sampler, as defined herein, in a manhole in their building service line shall be required, within 90 days after the passage of this Ordinance, to install a flow meter and composite sampler in a manhole between the building service line and the public sewer to which the said building is connected. If no such manhole exists, such user shall install one in the building service line.
(Prior Code, § 22-1.28)

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§ 22-1.29 INSPECTIONS ON PRIVATE PROPERTY AND RIGHT TO ENTER UPON THE PREMISES TO READ THE WATER METER.

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

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

(C) District personnel making inspections shall be bound by the *Standard Rules of Procedure*, adopted by the District, for meter readings. In the event of a refusal to permit District personnel upon private property, the authorized person shall seek the assistance of the local police department or the sheriff's office of the county concerned, and shall make the inspection accompanied by such officer, and, if such access is continued to be refused for such purposes, including the reading of the meter, the District may terminate use by the user without further notice.

(Prior Code, § 22-1.29)

§ 22-1.30 BUDGET AMENDMENTS.

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

(Prior Code, § 22-1.30)

§ 22-1.31 RETIREMENT OF REVENUE BONDS.

Service charge revenues of the District have been pledged for revenue bond funding and the District shall proceed in like manner to assess and collect such revenues for application in accordance with the Revenue Bond Ordinance 342, enacted by the District on February 22, 1973, and reenacted herein as Chapter 21 for all revenues defined therein. Notwithstanding the similar language in this Ordinance and the Revenue Bond Ordinance of the District, there shall be, and there hereby is, deemed to be no

duplication in such charges, as the provisions of this Ordinance are a substitute for collection of general real estate tax revenues which are specifically excluded by state law from being applied to revenue bond debt servicing. The Board of Trustees may elect for billing purposes to submit a combined billing for the charges established under this Ordinance and the charges established under said Revenue Bond Ordinance. The Board of Trustees may further elect to maintain either a separated or combined accounting system accounting for such funds. Neither of such actions shall be deemed to alter in any way the character of the funds obtained and all such funds so obtained shall retain the character that they would have retained had such combined billing and/or accounting not been initiated.

(Prior Code, § 22-1.31)

§ 22-1.32 ENFORCEMENT AND PENALTIES.

See Chapter 29.

(Prior Code, § 22-1.32)

§ 22-1.33 REPEALER.

(A) No repealer is contained herein as the procedures authorized herein are intended to supplement existing procedures for collecting funds to defer the cost of the operation, maintenance and replacement of the works of the system.

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

(Prior Code, § 22-1.33)

ARTICLE 2. NSF OR REFUSED PAYMENT

**§ 22-2.01 ADOPTION OF POLICY ASSESSING AN NSF OR REFUSED PAYMENT OR
CLOSED ACCOUNT CHARGE.**

The Board of Trustees adopts the analysis of the District staff and hereby determines that it is necessary and proper for the operation of the District to provide an effective means of limiting the delinquency rate in user charge accounts and inducing delinquent user of the services of the District to promptly pay the user charge bills which the District sends to each user.

(Ord. 783, passed 1-27-2005)

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§ 22-2.02 CHARGING SIMPLE INTEREST INSUFFICIENT.

The Board of Trustees hereby determines that the presently existing means of charging simple interest on the delinquent account amount is insufficient of a means to induce prompt payment for user charges.

(Ord. 783, passed 1-27-2005)

§ 22-2.03 DUTY OF STAFF TO ANALYZE COST OF ISSUING BILLS.

The Board of Trustees has requested the District staff to analyze the cost to the District which is occasioned by the requirement of issuing bills to delinquent users of District services and the staff has responded.

(Ord. 783, passed 1-27-2005)

§ 22-2.04 BAD CHECKS.

It has also come to the attention of the Board that some users waste the District staff's time and energy by sending checks to the District, which will not be honored for one reason or another, in an attempt to pay their user charges.

(Ord. 783, passed 1-27-2005)

§ 22-2.05 CHARGE FOR RETURNED CHECKS.

The Board of Trustees hereby establishes a NSF or account closed or refused payment charge for any check which the District has received, processed and which has been returned without payment: the sum of \$25.

(Ord. 783, passed 1-27-2005)

§ 22-2.06 LATE CHARGE.

(A) *Late charge established.* The Board of Trustees hereby establishes the following means of inducing users of District services to promptly pay the District for the services which the District renders in the form of a "late charge". All delinquent bills shall be subject to the late charge.

(B) *Due date.* All District user charge billings shall include a due date thereon, which is not less than 25 calendar days nor greater than 31 calendar days after the issuance of the billing.

(C) *Late charge.*

(1) A minimum late charge is hereby set at \$3.

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(2) Each user charge billing shall set forth two amounts:

(a) The amount payable provided that the payment arrives at the District office on or prior to the due date;

(b) An amount added to the user charge billing(s) (calculated as set forth below) if the payment(s) do(es) not arrive at the District until after the due date:

Current billing late charge (to be applicable where the remittance has not been received from the user on or before the due date):	The greater of 10% of the amount of the user charge billing, including NSF or account closed or refused payment charges, if any, and \$3 (minimum late charge)
Subsequent billing late charge applicable to all subsequent billings until the account is paid in full:	The greater of 1.5% of the delinquent bill, including late charges, and NSF or account closed or refused payment charges, if any, from prior bills and the \$3 (minimum late charge)

(c) All of said sums, including the late charges, NSF, closed account or refused payment charges and interest, shall be cumulative.

(Ord. 783, passed 1-27-2005)

§ 22-2.07 INTEREST ON DELINQUENT ACCOUNTS.

The interest on delinquent accounts shall remain at 1.5% per month.

(Ord. 783, passed 1-27-2005)

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Charges - Federal User in Lieu of Ad Valorem Taxes**

**CHAPTER 22A: PAYMENT OF USER CHARGE PRIOR TO SALE OR TRANSFER OF
REAL ESTATE**

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**CHAPTER 22A: PAYMENT OF USER CHARGES PRIOR TO SALE OR
TRANSFER OF REAL ESTATE**

Section

22A-1.01	Recitations
22A-1.02	Closing letter
22A-1.03	Use of property
22A-1.04	Permanent index numbers
22A-1.05	Recording copy
22A-1.06	Copies

§ 22A-1.01 RECITATIONS.

The recitations of Ordinance 756 are incorporated herein as a part of this chapter.
(Ord. 756, passed 9-25-2008; Ord. 756, passed 3-29-2019)

§ 22A-1.02 CLOSING LETTER.

No person shall sell, transfer or otherwise convey title to or beneficial interest in any real property, which is supplied with sewer service by the District, without first having obtained from the District a closing letter showing that, as of the most current billing, all sewer assessments relating to the parcel have been paid in full. With respect to a residential unit which is a townhouse, condominium unit or cooperative apartment that does not have separate sewer service billing for the residential unit, the closing letter shall be issued when all sewer assessments have been paid in full by the homeowner's association, or other similar entity or organization responsible for the payment of sewer charges on behalf of the individual unit owners. There shall be a \$25 fee for preparation of the closing letter.
(Ord. 756, passed 9-25-2008)

§ 22A-1.03 USE OF PROPERTY.

With respect to all property other than single-family residences, the request for a closing letter also shall set forth the purchaser's intended use of the property. Where the use of the property will remain the same after the purchase, the District will compute the average monthly water consumption for the prior 12 months. If the computed average monthly water consumption exceeds the permitted water usage, then the composite connection charge will be recomputed in the manner set forth in Ordinance 739, which is incorporated in Chapter 19, and all other relevant amendments, laws and regulations of the

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District, and paid by the purchaser. Where the use of the property will change after the purchase, or where no valid connection permit previously has been issued for the property, then the purchaser shall make an application for a new connection permit, and pay all relevant charges, in accordance with Ordinance 739 which is incorporated in Chapter 19, and all other relevant amendments, laws and regulations of the District.

(Ord. 756, passed 9-25-2008)

§ 22A-1.04 PERMANENT INDEX NUMBERS.

(A) Attached to this Ordinance 756 and incorporated by reference as Exhibit A is a list of permanent index numbers for DuPage County properties being served by the District to which this Ordinance is specifically applicable.

(B) Amended Ordinance 756 is amended by adding to it Exhibit B, attached hereto Ordinance 756, and incorporated by reference, which is a list of permanent index numbers for DuPage County properties served by the District and within its jurisdiction, that were not previously included in amended Ordinance 756.

(Ord. 756, passed 9-25-2008; Ord. 756, passed 3-29-2019)

§ 22A-1.05 RECORDING COPY.

The District Director is directed to record a certified copy of this Ordinance including such list in the office of the Recorder of Deeds of DuPage County.

(Ord. 756, passed 9-25-2008)

§ 22A-1.06 COPIES.

(A) The District Director is directed to send a copy of this Ordinance 756 bearing the recording number, including such list, to each title insurance company providing title insurance within the District's service area.

(B) A certified copy of this amendment, including Exhibit B, shall be filed in the office of the Recorder of Deeds of DuPage County.

(Ord. 756, passed 9-25-2008; Ord. 756, passed 3-29-2019)

**CHAPTER 23: SEWAGE DISPOSAL - PUBLIC - SEWERS SERVICE OF
UNANNEXED TERRITORY - COMPOSITE CONNECTION CHARGE AND PERIODIC
CHARGES**

**2 Flagg Creek Water Reclamation District - Sewage Disposal - Public - Sewers Service
of Unannexed Territory - Composite Connection Charge and Periodic Charges**

**CHAPTER 23: SEWAGE DISPOSAL - PUBLIC - SEWERS SERVICE OF
UNANNEXED TERRITORY - COMPOSITE CONNECTION CHARGE AND
PERIODIC CHARGES**

Section

- 23-1.01 Policy
- 23-1.02 Minimal service of certain unincorporated lands
- 23-1.03 Assessment of fair share of general taxes, cost of operation and connection
- 23-1.04 Composite connection charge
- 23-1.05 User charge
- 23-1.06 Sewerage charge
- 23-1.07 In lieu of ad valorem real estate tax charge
- 23-1.08 Remedies for non-payment of delinquent periodic charges
- 23-1.09 Termination by annexation
- 23-1.10 Special circumstances

§ 23-1.01 POLICY.

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

(Prior Code, § 23-1.01)

§ 23-1.02 MINIMAL SERVICE OF CERTAIN UNINCORPORATED LANDS.

Certain minimal services are required even to maintain open lands.

(Prior Code, § 23-1.02)

**4 Flagg Creek Water Reclamation District - Sewage Disposal - Public - Sewers Service
of Unannexed Territory - Composite Connection Charge and Periodic Charges**

**§ 23-1.03 ASSESSMENT OF FAIR SHARE OF GENERAL TAXES, COST OF OPERATION
AND CONNECTION.**

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

(Prior Code, § 23-1.03)

§ 23-1.04 COMPOSITE CONNECTION CHARGE.

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

(A) The charges assessed under the composite connection charge ordinances of the District shall be applicable to all users who are not within the incorporated territory of the District.

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

(Prior Code, § 23-1.04)

§ 23-1.05 USER CHARGE.

From and after the effective date of this Ordinance, the following user charge shall be assessed for users connected to the District system, though not within the corporate territory of the District, whether directly or indirectly, by connection to a system that is tributary to the District as follows: the user charges as set forth in the current user charge ordinance of the District shall be applicable to all such parcels.

(Prior Code, § 23-1.05)

§ 23-1.06 SEWERAGE CHARGE.

The following sewerage charge shall be assessed for users connected to the District system, though not within the corporate territory of the District, whether directly or indirectly, by connection to a system which is tributary to the District as follows: the sewerage service charges as set forth in the current service charge ordinance of the District shall apply according to the classification set forth herein.

(Prior Code, § 23-1.06)

§ 23-1.07 IN LIEU OF AD VALOREM REAL ESTATE TAX CHARGE.

The following in lieu of ad valorem real estate tax charge shall be assessed for connection to the District system, whether directly or indirectly, by connection of a system which is tributary to the District as follows.

(A) Such charge for a single-family residence shall be \$50 per calendar year, or fraction thereof, with the first year's charges being due and payable upon application for service. Such charge for other than single-family residences shall be calculated on an equivalent single-family unit basis (as defined in the District ordinances) and shall be \$5,000 per equivalent family unit, per calendar year, or fraction thereof, with the first year's charges being due and payable upon application for service. All such charges, subsequent to the first year's charges, shall be due and payable June 1 in such subsequent year, and, if not paid by June 15, shall bear penalty interest at the rate of 1.5% per month until paid. In cases of inordinate disparity between the regular charge aforesaid, and that sum of money which the District would receive in tax receipts in the property were annexed to the District, the Board of Trustees may, by resolution, in individual cases, adjust the charge upon ascertainment of the assessed valuation as equalized of the parcel and submit to the assessee a revised billing based upon the assessed valuation, shown on the most recent tax bill.

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

(C) For subsequent tax years, the taxpayer may do likewise.

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

(Prior Code, § 23-1.07)

§ 23-1.08 REMEDIES FOR NON-PAYMENT OF DELINQUENT PERIODIC CHARGES.

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

(Prior Code, § 23-1.08)

**6 Flagg Creek Water Reclamation District - Sewage Disposal - Public - Sewers Service
of Unannexed Territory - Composite Connection Charge and Periodic Charges**

§ 23-1.09 TERMINATION BY ANNEXATION.

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

(Prior Code, § 23-1.09) (Ord. 519, passed 10-9-1980)

§ 23-1.10 SPECIAL CIRCUMSTANCES.

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

(Prior Code, § 23-1.10)

CHAPTER 24: RESERVED FOR WATER

[Reserved]

CHAPTER 25: EMINENT DOMAIN DISTRICT NEGOTIATIONS

CHAPTER 25: EMINENT DOMAIN DISTRICT NEGOTIATIONS

Section

- 25-1.01 Purchase of rights-of-way, grants, privileges and easements and parcels of real estate, including those with structures thereon
- 25-1.02 Appointment of negotiators for acquisition by the District of rights-of-way grants, privileges and easements and parcels of real estate, including those with structures thereon
- 25-1.03 Eminent domain proceedings table

§ 25-1.01 PURCHASE OF RIGHTS-OF-WAY, GRANTS, PRIVILEGES AND EASEMENTS AND PARCELS OF REAL ESTATE, INCLUDING THOSE WITH STRUCTURES THEREON.

Pursuant to the provisions of 70 ILCS 2405/8 et seq., it is hereby deemed necessary that the District acquire, by purchase, condemnation or otherwise, right-of-way grants, privileges and easements reasonably necessary for the construction, operation and maintenance of a sewer system along and upon lands within and without the corporate limits for its corporate purposes and for the District to acquire, by purchase, condemnation or otherwise, real estate parcels, including those with structures thereon, within and without the corporate limits to be used for its corporate purposes.

(Ord. 776, passed 9-16-2004)

§ 25-1.02 APPOINTMENT OF NEGOTIATORS FOR ACQUISITION BY THE DISTRICT OF RIGHTS-OF-WAY GRANTS, PRIVILEGES AND EASEMENTS AND PARCELS OF REAL ESTATE, INCLUDING THOSE WITH STRUCTURES THEREON.

The Director of the District and the District's Attorney, individually or as a group, be, and they are, hereby authorized and directed to negotiate with the owners of the properties for the purchase of such properties, including those parcels with structures thereon and/or such right-of-way grants, privileges and easements, as are required for its corporate purposes and, upon failure to arrive at an agreement with the owners upon terms under which it shall be permitted to acquire such real estate or to acquire and use such right-of-way grants, privileges or easements, to recommend to the Board of Trustees that it institute condemnation proceedings pursuant to the Eminent Domain Act of the state, being 735 ILCS 30/, for the purpose of acquiring said real estate and/or right-of-way grants, privileges and easements in the manner provided by law.

(Ord. 776, passed 9-16-2004)

4 **Flagg Creek Water Reclamation District - Eminent Domain District Negotiations**

§ 25-1.03 EMINENT DOMAIN PROCEEDINGS TABLE.

The following table lists specific eminent domain proceedings ordinances:

<i>Ordinance</i>	<i>Passage Date</i>	<i>Brief Description</i>
777	9-16-2004	Acquiring certain real property, including building and land for District purposes, including additional office space new board room, laboratory space, proper locker rooms and toilet rooms, wash rooms and shower rooms (male and female) and shop space, garage space and for storage of spare parts, and parking and for appointment of District negotiators and commencing purchase negotiations

CHAPTER 26: SALE OF SURPLUS LANDS

CHAPTER 26: SALE OF SURPLUS LANDS

Section

- 26-1.01 Explanation of 1917 Act
- 26-1.02 Statute
- 26-1.03 City and village law - comparison and adoption
- 26-1.04 Additional procedures
- 26-1.05 Removal from market
- 26-1.06 Reoffering for sale after removal from the market

§ 26-1.01 EXPLANATION OF 1917 ACT.

The 1917 Act, being 70 ILCS 2405/, under which the District was formed, is a “skeleton act”, which does not contain within it all of the minute detail of the operation of a special district. (Prior Code, § 26-1.01)

§ 26-1.02 STATUTE.

The provisions of the statute relating to the disposition of personal property and real estate are found in former § 307 of the 1917 Act, being 70 ILCS 2405/8, and are as follows:

The Sanitary District may sell, convey, vacate, and release the real or personal property right-of-way and privileges acquired by it, when no longer required for the purposes of the District and no reference is made therein, to a manner of proceeding for the disposition of such property.
--

(Prior Code, § 26-1.02)

§ 26-1.03 CITY AND VILLAGE LAW - COMPARISON AND ADOPTION.

The closest similarity in function to a special district, such as this District, is found in the former Cities and Villages Act, which is a very thorough, detailed statute, with respect to all functions, including the sale of real property, and the District hereby adopts said procedures to the extent that they apply. The former Cities and Villages Act, former 24 Ill. Rev. Stats. 1957, § 11-76-2, and now being

65 ILCS 5/11-76-2, provides for the disposition of surplus property, and the statute, 65 ILCS 5/11-76-2, specifies the manner in which the property should be disposed of.
(Prior Code, § 26-1.03)

§ 26-1.04 ADDITIONAL PROCEDURES.

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

(A) The Trustees shall obtain two appraisals of the real estate.

(B) Said parcel shall be placed on the market for sale for 90 days at a price not less than the highest appraisal price. In the event that a bid is received by the District through a broker in an amount exceeding the highest appraisal price, the District shall accept such offer. In the event that no bid is received at a price in excess of the price of the highest appraisal, but one is received above the average appraisal value within 30 days, the Trustees shall consider the best offer made to purchase the property at a regular meeting of the Board of Trustees, and shall require the appraisers of the property to advise the Board as to whether the purchase price is a fair and proper purchase price considering the circumstances. If the Trustees believe, after having heard testimony of the appraisers, that the price is a fair and proper price, it shall enact a resolution accepting the offer and authorizing the President and Clerk to sign the contract for sale. Upon the satisfaction of all of the contingencies in the contract for financing, the transaction shall be consummated and a deed of conveyance issued over the signatures of the President and Clerk stating therein the consideration therefor with the seal of the District affixed thereto. The District shall pay a sales commission to the broker or combination of brokers who procured the purchaser and brought about the final sale.

(Prior Code, § 26-1.04)

§ 26-1.05 REMOVAL FROM MARKET.

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

(Prior Code, § 26-1.05)

§ 26-1.06 REOFFERING FOR SALE AFTER REMOVAL FROM THE MARKET.

The District, when making any reoffering for sale, shall follow all of the usual bidding procedures specified in 65 ILCS 5/11-76-2 and, only in default of results, the additional procedures set forth above.

(Prior Code, § 26-1.06)

CHAPTER 27: POLICE POWER

CHAPTER 27: POLICE POWER

Section

- 27-1.01 Policy
- 27-1.02 Director authority
- 27-1.03 Director - local officers
- 27-1.04 Interference - violation
- 27-1.05 Badge
- 27-1.06 Director removal of authority

§ 27-1.01 POLICY.

Pursuant to the powers granted to the District in the Sanitary District Act of 1917, 70 ILCS 2405/18, the District, through its Executive Director and employees, shall have police power over the territory within the District and within 15 miles from the intake of any water supply in any such waters for the purpose of preventing the pollution of the waters.

(Prior Code, § 27-1.01)

§ 27-1.02 DIRECTOR AUTHORITY.

In addition to the powers already conferred by ordinance upon the Director of the District, the Director is hereby authorized and empowered to exercise police powers over the territory within such District for the purpose of preventing any interference with any of the property of said District, and for the further purpose of enabling said Director to properly exercise the duties of his or her office, and enforce the provisions of the ordinances of said District now or hereafter in force.

(Prior Code, § 27-1.02)

§ 27-1.03 DIRECTOR - LOCAL OFFICERS.

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

(Prior Code, § 27-1.03)

§ 27-1.04 INTERFERENCE - VIOLATION.

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

(Prior Code, § 27-1.04)

§ 27-1.05 BADGE.

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

(Prior Code, § 27-1.05)

§ 27-1.06 DIRECTOR REMOVAL OF AUTHORITY.

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

(Prior Code, § 27-1.06)

**CHAPTER 28: ORDINANCE - VIOLATIONS - DISCONNECTIONS -
ALTERNATIVE - LIEN**

**2 Flagg Creek Water Reclamation District - Ordinance - Violations - Disconnections -
Alternative - Lien**

**CHAPTER 28: ORDINANCE - VIOLATIONS - DISCONNECTIONS -
ALTERNATIVE - LIEN**

Section

- 28-1.01 Policy
- 28-1.02 Disconnection procedure - notices - declaration of “unfit for human occupancy”
- 28-1.03 Prohibition of occupancy after disconnection
- 28-1.04 Manner of severance
- 28-1.05 Reinstatement of service - non-payment of periodic charges
- 28-1.06 Reinstatement of service - illegal connection or non-payment of composite connection charges
- 28-1.07 Alternative - lien

§ 28-1.01 POLICY.

It is hereby declared to be a policy of the Board of Trustees of the District that in the event that any person whose residence or other building is connected to sewers which are tributary to the District works of the system who fails to pay any periodic charges as assessed under the ordinances of the District, the composite connection charge or who connects to the system in violation of the provisions of the ordinances, resolutions, rules and regulations of the District or who, after legally and properly connected, alters the connection or the circumstances so that there is a violation of the provisions of this Ordinance shall, upon due process, have the residence or other building disconnected from the system. (Prior Code, § 28-1.01)

§ 28-1.02 DISCONNECTION PROCEDURE - NOTICES - DECLARATION OF “UNFIT FOR HUMAN OCCUPANCY”.

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

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

4 **Flagg Creek Water Reclamation District - Ordinance - Violations - Disconnections - Alternative - Lien**

NOTICE OF DELINQUENCY

You are hereby notified that the (name periodic charge) billed to you (here insert name of billee) under date of (insert date) under the Ordinances of the FLAGG CREEK WATER RECLAMATION DISTRICT for the building located at (insert address) have not been paid and remain delinquent. In the event that the periodic charges (insert particular periodic charge) are not paid within thirty (30) days from the posting of this Notice and unless a temporary excuse has been issued excusing you therefrom in writing by the Director of the District the building will be disconnected from the public sewer system and it will be red-tagged as "unfit for human occupancy" on the thirty-fifth (35th) day after date of this notice.

Dated _____

FLAGG CREEK WATER
RECLAMATION DISTRICT

By _____
Director

(2) *Non-payment of composite connection charges, illegal connection or other violations.* In the event that the disconnection is for failure to pay the composite connection charge or for illegal connection or for violation of any other provision of this Ordinance or any other ordinance of the District relating to connection, which is discovered to be in violation of any ordinance relating to connection, the following notice shall be forwarded by registered mail, return receipt requested to the occupant of the building at the address of the building being served by the District and a copy of it shall be thumbtacked or taped to the front or a rear door of the building:

NOTICE OF ILLEGAL CONNECTION
WARNING OF DISCONNECTION

You are hereby notified that this building is illegally connected to a sewer system tributary to the Works of the System of the FLAGG CREEK WATER RECLAMATION DISTRICT due to the following (here insert one or more of the following) (Nonpayment of Composite Connection Charges) (Deferred Payment Lien Agreement Payment) (Connection without a Permit) (Connection without inspection) (Ordinance # _____ insert particulars). In the event that you do not meet the District's requirements within thirty (30) days from posting of this notice, unless you have been temporarily excused therefrom by the Director of the District in writing, the building will be disconnected from the public sewer system and it will be red-tagged as "unfit for human occupancy" the thirty-fifth (35th) day after the date of this notice.

Dated _____

FLAGG CREEK WATER
RECLAMATION DISTRICT

By _____
Director

(B) (1) It is the policy of the District to discontinue utility service to customers by reason of nonpayment of bills only after the notice and a meaningful opportunity to be heard on disputed bills. The

District's form for application for utility service and all bills shall contain, in addition to the title, address, room number and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the District to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.

(Prior Code, § 28-1.02)

§ 28-1.03 PROHIBITION OF OCCUPANCY AFTER DISCONNECTION.

(A) The Board of Trustees hereby declares that it is against public policy for a building to be occupied by human inhabitants which has been red-tagged by the District after appropriate notice has been given that the building is "unfit for human occupancy".

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

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NOTICE OF TERMINATION

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

Dated _____

FLAGG CREEK WATER
RECLAMATION DISTRICT

By _____
Director

(Prior Code, § 28-1.03)

§ 28-1.04 MANNER OF SEVERANCE.

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

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

(C) Upon completion of the plugging of the building service line, the District shall forward to the owner and occupant of the building, by registered mail, return receipt requested, a bill for the costs of making the severance, including the plumber’s cost for materials and labor and a \$100 severance charge to be paid to the District for supervision. Only one such charge may be collected for each severance.

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

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

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

(Prior Code, § 28-1.04)

§ 28-1.05 REINSTATEMENT OF SERVICE - NON-PAYMENT OF PERIODIC CHARGES.

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

(B) Upon payment to the District of the full delinquency plus the cost of the District of severance and a \$100 severance charge, and the usual inspection charge for the type of connection and, upon deposit with the District of an amount equal to the estimated periodic charge for one year, the District will issue a permit for the removal of the plug from the system and upon issuance of such permit the plug may be removed by a licensed plumber or drain layer at the sole expense of the user.

(C) If the billee shall continue to pay the periodic charges assessed by the District thereafter as billed, after three years of prompt payment of such user charges with no delinquency in excess of 30 days, the deposit shall be refunded to the person having made such deposit, without interest thereon.

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

(Prior Code, § 28-1.05)

§ 28-1.06 REINSTATEMENT OF SERVICE - ILLEGAL CONNECTION OR NON-PAYMENT OF COMPOSITE CONNECTION CHARGES.

In the event of severance for an illegal connection or failure to pay the composite connection charge, service may only be reinstated in the following manner: the connection may only be made after approval

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Alternative - Lien**

of plans, where applicable; application for connection permit; payment of composite connection charge applicable; and payment to the District of the actual cost of severance plus a \$100 severance charge. (Prior Code, § 28-1.06)

§ 28-1.07 ALTERNATIVE - LIEN.

(A) In the event that a delinquency occurs in the payment of the federal user charge in lieu of ad valorem taxes, the District may elect to file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of 1.5% per month from the date of original billing. The election to file said lien shall not constitute a waiver of the right to sever service as is set forth herein, but shall merely be an alternative method of protecting the financial interest of the District. In the event that, after the lien has been filed, the Board of Directors desires, it may authorize the Executive Director of the District to proceed with the termination of service as set forth herein.

(B) The lien procedures shall be as follows.

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

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

(2) If after the above notice has been mailed to the owner and 30 days have elapsed and the charges are not paid, such charges shall be deemed and hereby declared to be delinquent, and thereafter, such delinquencies shall constitute liens upon the real estate for such user charges, and the Clerk is hereby authorized and directed to file sworn statements showing such delinquencies, in either the office of the Recorder of Deeds of Cook or DuPage County, or in the office of the Registrar of Titles of Cook County and the filing of such statements in the appropriate office shall be deemed notice to all persons of such lien.

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

(Prior Code, § 28-1.07)

CHAPTER 29: ORDINANCE - VIOLATIONS - PENALTIES

CHAPTER 29: ORDINANCE - VIOLATIONS - PENALTIES

Section

29-1.01	Prosecution
29-1.02	Violation - person
29-1.03	Violation - sewer constructor, plumber, sewer builder, drain layer
29-1.04	Violation - illegal discharge
29-1.05	Violation - stop order
29-1.06	Violation - occupancy without occupancy permit
29-1.07	Violation - sign removal - defacement
29-1.08	Violation - fats, oils and greases
29-1.09	Violation - state gift ban

§ 29-1.01 PROSECUTION.

Any person who is apprehended in the violation of the provisions of this Ordinance or any other ordinance of the District shall be taken before the circuit court in the county in which the violation occurs and shall be prosecuted in the corporate name of the District as plaintiff in compliance with 70 ILCS 2405/6.1, as is in such cases made and provided.

(Prior Code, § 29-1.01)

§ 29-1.02 VIOLATION - PERSON.

(A) Any person found to be violating any of the provisions hereof, except § 22-1.13(B) or (C), and who fails, neglects or refuses to comply with the provisions hereof shall be prosecuted in an action for a misdemeanor instituted on the complaint of the Trustees or the Executive Director of the District in the circuit court of the county within the District where such an offense occurs and, upon conviction, shall be fined not less than \$25 nor more than \$200 per day of violation and costs.

(B) Violation of § 22-1.13(B) shall carry the following penalty: if the user is found to have violated the permissible chemical discharge levels, the court shall assess a penalty in an amount of from \$50 to \$500 plus ten times the normal charge for treatment of the chemical pollutants discharged by the user.

(C) Violation of § 22-1.13(C) shall carry the following penalty: if the user is found to have violated the permissible chemical discharge levels, the court shall assess a penalty in an amount of from \$500 to \$10,000 plus 100 times the normal charge for treatment of the chemical pollutants discharged by the user.

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

(E) The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release or waiver by the District to the prosecution by the District for any civil damages that it may sustain because of any violation by any person of the provisions hereof where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, sewers and buildings under the jurisdiction of the District.

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

(G) Whenever in this Ordinance a minimum but no maximum fine or penalty is imposed, the court may, in its discretion, fine the offender any sum exceeding the minimum fine or penalty but not exceeding \$500.

(H) Whenever in this Ordinance the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Ordinance, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than \$5 nor more than \$500 for such offense.

(Prior Code, § 29-1.02)

§ 29-1.03 VIOLATION - SEWER CONSTRUCTOR, PLUMBER, SEWER BUILDER, DRAIN LAYER.

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

(Prior Code, § 29-1.03)

§ 29-1.04 VIOLATION - ILLEGAL DISCHARGE.

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

(Prior Code, § 29-1.04)

§ 29-1.05 VIOLATION - STOP ORDER.

Any person, firm or corporation who shall continue work in violation of a stop order shall, upon conviction, be fined not less than \$100 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation of a stop order occurs or continues. (Prior Code, § 29-1.05)

§ 29-1.06 VIOLATION - OCCUPANCY WITHOUT OCCUPANCY PERMIT.

Any person, firm or corporation who shall occupy any building within the District, prior to the issuance of an occupancy permit by the District, shall, upon conviction, be fined not less than \$100 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which the premises are occupied in violation of this Ordinance. In addition to said penalty, the violator shall be charged with the costs of verification of removal from the premises and termination of occupancy. Such charge shall be the equivalent of an inspection charge. (Prior Code, § 29-1.06)

§ 29-1.07 VIOLATION - SIGN REMOVAL - DEFACEMENT.

Any person found to have removed or defaced any sign required to be in place under this Ordinance shall, upon conviction, be fined for the first offense \$200 and for each subsequent offense the fine shall be double the previous fine and for each offense the fine shall also include the cost of restoration of the removed or defaced sign. (Prior Code, § 29-1.07)

§ 29-1.08 VIOLATION - FATS, OILS AND GREASES.

(A) The fees and charges established by this Ordinance 821 shall be payable monthly. If a user fails to pay all fees, charges and fines imposed under this Ordinance 821 by the due date, a penalty of 10% of the amount so billed shall be added thereto. Thereafter, if the amount so billed, or any portion thereof, remains unpaid, a penalty of 1.5% of the amount remaining unpaid shall be added 30 days after the due date, and 1.5% shall be added for each additional 30 days or portion thereof.

(B) In addition to the penalty herein provided, the District may assess such additional administrative and other costs as may be necessary to collect amounts not paid by the due date. (Ord. 821, passed 5-27-2022)

§ 29-1.09 VIOLATION - STATE GIFT BAN.

(A) A person who intentionally violates any provision of § 50-1.03 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(B) A person who intentionally violates any provision of §§ 50-1.04 through 50-1.06 is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance 858 to the local enforcement authorities, the state's attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(D) (1) A violation of § 50-1.03 shall be prosecuted as a criminal offense by an attorney for the District by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(2) A violation of §§ 50-1.04 through 50-1.06 may be prosecuted as a quasi-criminal offense by an attorney for the District, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of §§ 50-1.03 or 50-1.04 through 50-1.06 is subject to discipline or discharge.

(Ord. 858, passed 5-18-2012)

CHAPTER 30: FINANCES

CHAPTER 30: FINANCES

Section

30-1.01	Appropriations
30-1.02	Tax levy
30-1.03	Indebtedness
30-1.04	Audit

§ 30-1.01 APPROPRIATIONS.

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

(B) This Ordinance shall be published as required by law after its enactment.
(Prior Code, § 30-1.01)

§ 30-1.02 TAX LEVY.

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

(B) A certified copy of the tax levy ordinance shall be filed with the County Clerk in DuPage County, not later than the second Tuesday in September. Such ordinance shall show the total appropriated for each item, and the amount of tax levied therefor.
(Prior Code, § 30-1.02)

§ 30-1.03 INDEBTEDNESS.

No indebtedness shall be incurred, except such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. Provided that, during

the first quarter of any fiscal year, before the enactment of the current appropriation ordinance, the District may operate under the appropriation ordinance of the preceding year.

(Prior Code, § 30-1.03)

§ 30-1.04 AUDIT.

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

(Prior Code, § 30-1.04)

CHAPTER 31: AMENDMENTS

CHAPTER 31: AMENDMENTS

Section

31-1.01	Reference to Code
31-1.02	Penalties
31-1.03	Recording amendments

§ 31-1.01 REFERENCE TO CODE.

Any addition or amendments to this Code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same part of this Ordinance, shall be deemed to be incorporated in this Ordinance so that a reference to the “Code of Laws of the Flagg Creek Water Reclamation District” shall be understood to include them.

(Prior Code, § 31-1.01)

§ 31-1.02 PENALTIES.

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

(Prior Code, § 31-1.02)

§ 31-1.03 RECORDING AMENDMENTS.

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

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

Flagg Creek Water Reclamation District - Amendments

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

(Prior Code, § 31-1.03)

CHAPTER 32: PRINTING

CHAPTER 32: PRINTING

Section

- 32-1.01 Authorization
- 32-1.02 Distribution of copies
- 32-1.03 Presentation of copies

§ 32-1.01 AUTHORIZATION.

This Code shall be printed and published in book form.
(Prior Code, § 32-1.01)

§ 32-1.02 DISTRIBUTION OF COPIES.

All of the printed copies of this Code belonging to the District shall be deposited with the District Clerk. He or she shall deliver one copy thereof to the President and one to each member of the Board of Trustees and copies to such other persons as the President and Board of Trustees may direct.
(Prior Code, § 32-1.02)

§ 32-1.03 PRESENTATION OF COPIES.

The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the District, as to them seem suitable.
(Prior Code, § 32-1.03)

CHAPTER 33: INTERPRETATION

CHAPTER 33: INTERPRETATION

Section

33-1.01	Title
33-1.02	Construction of words
33-1.03	Officers and employees
33-1.04	Intent

§ 33-1.01 TITLE.

This Ordinance amends and restates the “Code of Laws of the Hinsdale Sanitary District of 1980 and will be now known as the “Code of Laws of the Flagg Creek Water Reclamation District”. Any reference to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter heading; its section heading, if any; and to the penalty clause relating thereto, as well as to the section itself, when reference is made to this Ordinance by title in any legal document or ordinance of the District.

(Prior Code, § 33-1.01)

§ 33-1.02 CONSTRUCTION OF WORDS.

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

(B) The words *PERSON*, *FIRM* or *CORPORATION* shall be deemed to include any association or organization of any kind. Words in the present tense shall include the future. The words *THIS ORDINANCE*, whenever used in this code, shall be held and taken to mean the entire code, including each and every section thereof. The word *DISTRICT* whenever used in this Ordinance shall be held to mean the Flagg Creek Water Reclamation District. The words *WRITTEN* and *IN WRITING* may include printing. Provided that these rules of construction shall not be applied to any section of this Ordinance which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

(Prior Code, § 33-1.02)

§ 33-1.03 OFFICERS AND EMPLOYEES.

(A) Whenever reference is made in this Ordinance to a District officer or employee by title only, this shall be construed as though followed by the words “of the Flagg Creek Water Reclamation District” and shall be taken to mean the officer or employee of this District having the title mentioned or performing the duties indicated.

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

(Prior Code, § 33-1.03)

§ 33-1.04 INTENT.

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

(Prior Code, § 33-1.04)

CHAPTER 34: REPEALING CLAUSE

CHAPTER 34: REPEALING CLAUSE

Section

- 34-1.01 Repeal of general ordinances
- 34-1.02 Pending suits

§ 34-1.01 REPEAL OF GENERAL ORDINANCES.

All general ordinances of the District passed by the President and Board of Trustees prior to this Ordinance are hereby repealed, except such as are referred to herein as being in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances: appropriation ordinances, ordinances relating to boundaries and annexations and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the District; ordinances establishing an industrial cost recovery system and a federal user charge in lieu of ad valorem taxes to pay for the operation, maintenance and replacement of the works of the system; establishing a lien therefor and establishing classes of users, procedures, budget, budget year, rates, manner of collection thereof, penalties for refusal to pay, procedure for disconnection in the event of non-payment; establishing of allowable chemical concentrations and penalties for excess concentrations, commonly known as Ordinance 405, as amended; and all special ordinances.

(Prior Code, § 34-1.01)

§ 34-1.02 PENDING SUITS.

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

Flagg Creek Water Reclamation District - Repealing Clause

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

(C) Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the District herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the District under any section or provision of ordinances existing at the time of the passage of this Ordinance.

(Prior Code, § 34-1.02)

CHAPTER 35: SEVERABILITY

CHAPTER 35: SEVERABILITY

Section

- 35-1.01 Severability
- 35-1.02 Publication
- 35-1.03 Pamphlet form

§ 35-1.01 SEVERABILITY.

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

(Prior Code, § 35-1.01)

§ 35-1.02 PUBLICATION.

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

(Prior Code, § 35-1.02)

§ 35-1.03 PAMPHLET FORM.

This Ordinance shall be published in pamphlet form.

(Prior Code, § 35-1.03)

CHAPTER 36: EFFECTIVE DATE

Flagg Creek Water Reclamation District - Effective Date

CHAPTER 36: EFFECTIVE DATE

Section

36-1.01 Time of taking effect

§ 36-1.01 TIME OF TAKING EFFECT.

This Ordinance, the same being designated herein as the “Code of Laws of the Flagg Creek Water Reclamation District”, shall take effect and be in force ten days from and after its passage and publication as provided by statute.

(Prior Code, § 36-1.01)

Flagg Creek Water Reclamation District - Effective Date

CHAPTER 37: FATS, OILS AND GREASE

CHAPTER 37: FATS, OILS AND GREASE

Section

Article 1. General Provisions

- 37-1.01 Title
- 37-1.02 Authority
- 37-1.03 Purpose

Article 2. Administration

- 37-2.01 General
- 37-2.02 Applications, permits and licenses
- 37-2.03 Notices and orders
- 37-2.04 Authority to enter premises
- 37-2.05 Credentials

Article 3. General Requirements

- 37-3.01 Existing food facilities
- 37-3.02 Newly constructed or remodeled facilities
- 37-3.03 All users
- 37-3.04 System maintenance

Article 4. Grease Recovery Systems - Design and Performance Standards

- 37-4.01 Where required
- 37-4.02 Technology required
- 37-4.03 Prohibited discharge
- 37-4.04 High temperature dishwater or sink discharge
- 37-4.05 Dumpsters/dumpster pads
- 37-4.06 Grease interceptor and passive exterior device (PED) requirements
- 37-4.07 Passive interior devices (PIDs)
- 37-4.08 Sizing grease interceptors
- 37-4.09 Waivers to sizing grease traps
- 37-4.10 Active interior recovery device requirements

Flagg Creek Water Reclamation District - Fats, Oils and Grease

Article 5. Alternative Methods and Treatment Agents

- 37-5.01 Alternative technology/methods
- 37-5.02 No biological or chemical treatment agents
- 37-5.03 No pump and return methodology

Article 6. Permits and Licenses, Procedures, Inspections and Fees

- 37-6.01 Permits and licenses - general
- 37-6.02 Procedures
- 37-6.03 Inspections
- 37-6.04 Fees
- 37-6.05 Fines and penalties

Article 7. Appeals

- 37-7.01 Appeal procedure

Article 8. Enforcement

- 37-8.01 Pre-enforcement conference
- 37-8.02 Conduct of conference
- 37-8.03 No agreement
- 37-8.04 Show cause proceedings
- 37-8.05 Emergency conditions
- 37-8.06 Administrative enforcement remedies
- Appendix A - Fees and Surcharges
- Appendix B - Discharge Limits
- Appendix C - Grease Interceptor Diagram
- Section A-A - Grease Interceptor Requirements

ARTICLE 1. GENERAL PROVISIONS

§ 37-1.01 TITLE.

This Ordinance 821 shall be known and may be referred to as the “Flagg Creek Water Reclamation District Fats, Oils and Greases (FOG) and Waste Strength Surcharge Ordinance (WSS) Ordinance”. (Ord. 821, passed 5-27-2022)

§ 37-1.02 AUTHORITY.

This Ordinance 821 is enacted pursuant to the powers and authorities granted to, and exercised by, the Flagg Creek Water Reclamation District (FCWRD).
(Ord. 821, passed 5-27-2022)

§ 37-1.03 PURPOSE.

(A) The purpose of this Ordinance 821 is to establish certain minimum reasonable rules and regulations for any food processing, food sales or food service facility or user connected to, or applying to connect to, the FCWRD sewer system regarding the collection and disposal of fats, oils and greases (FOG); excessive biochemical oxygen demand (BOD); and excessive total suspended solids (TSS) in wastewater, not otherwise required to obtain and hold an industrial wastewater discharge permit from the U.S. Environmental Protection Agency and/or the State Environmental Protection Agency. Additionally, this Ordinance 821 establishes a discharge limit for ammonia nitrogen, and further establishes certain minimum reporting requirements for waste haulers in the disposal of fats, oils and greases wastes.

(B) Excessive fats, oils and greases in wastewater can and do lead to sewer backups and overflows, creating a public health hazard. Excessive fats, oils and greases in wastewater can and do interfere with the wastewater treatment process at publicly-owned wastewater treatment facilities and plants, and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards. They also increase operation, maintenance and replacement costs.

(C) Excessive biochemical oxygen demand (BOD) and excessive total suspended solids (TSS) in the wastewater process at publicly-owned wastewater treatment facilities and plants and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards. They also increase operation, maintenance and replacement costs. The substantial investment of public funds in sewer systems and wastewater treatment plants, designed to protect public health and the ongoing proper functioning of those public facilities, can and shall be protected by reasonable rules and regulations relating to the design, use and maintenance of grease recovery systems to ensure the proper functioning of the FCWRD sewer system and wastewater treatment process, from contributions and accumulation of fats, oils and greases.
(Ord. 821, passed 5-27-2022)

ARTICLE 2. ADMINISTRATION

§ 37-2.01 GENERAL.

The Executive Director (Director) shall enforce all of the provisions of this Ordinance 821 and shall act on any questions relating to the design or construction of grease recovery systems or devices, except

as may otherwise be specifically provided by statute or federal or state regulations(s). The Director shall also act as follows.

(Ord. 821, passed 5-27-2022)

§ 37-2.02 APPLICATIONS, PERMITS AND LICENSES.

The Director shall receive applications and issue installation permits and discharge permits, and collect fees therefor, in accordance with the approved fee schedule (see Appendix A following this chapter), for the siting and installation of, or the discharges from, grease recovery systems or devices, for all food processing, food sales and food service establishments as defined herein. The Director shall also review building plans, review grease recovery system(s) design plans, inspect the premises for which such installation permit(s) or discharge permit(s) have been issued, and enforce compliance with the provisions of this Ordinance 821.

(Ord. 821, passed 5-27-2022)

§ 37-2.03 NOTICES AND ORDERS.

The Director shall issue all notices or orders necessary to ensure compliance with all ordinance requirements. The Director may revoke, in writing, any permit, license or approval issued or held contrary to this Ordinance 821 or based upon a false statement or misrepresentation in an application.

(Ord. 821, passed 5-27-2022)

§ 37-2.04 AUTHORITY TO ENTER PREMISES.

The Director, or his or her authorized agent(s) or representative(s), after identification, shall have the authority to enter any property at any reasonable time to inspect for sanitation purposes and compliance with the provisions of this Ordinance 821. The Director shall conduct an annual inspection of each FOG producing facility, and such other inspection(s) as may be required. The Director may also make any necessary test, measurement or sampling to determine compliance with ordinance requirements. No obstructions shall block access to any grease recovery system.

(Ord. 821, passed 5-27-2022)

§ 37-2.05 CREDENTIALS.

The Director, and his or her authorized agent(s) or representative(s), shall carry proper credentials of the respective office for the purpose of inspecting any grease recovery system or device, or carrying out any other duties or responsibilities, in the performance of his or her duties under this Ordinance 821.

(Ord. 821, passed 5-27-2022)

ARTICLE 3. GENERAL REQUIREMENTS**§ 37-3.01 EXISTING FOOD FACILITIES.**

Every existing user shall have a grease recovery system. An existing user, serviced by a grease recovery system that is non-compliant with the technical or design standards of this Ordinance 821, shall be permitted to continue discharging to the FCWRD wastewater collection system provided that the user's FOG, BOD or TSS discharges, as measured at the control manhole, do not exceed the FCWRD daily maximum discharge limit(s), as set forth in Appendices A and B, and is otherwise in compliance with the current FCWRD general sewer use ordinance. The Director may include conditions, restrictions or performance standards on any existing user discharge license where that user is served by a non-compliant grease recovery system to minimize the risk of discharge(s) exceeding maximum pollutant discharge standards.

(Ord. 821, passed 5-27-2022)

§ 37-3.02 NEWLY CONSTRUCTED OR REMODELED FACILITIES.

Every newly constructed or remodeled food processing, food sales and food service facility (FOG producing facilities) or user(s) that discharge water or wastes to a FCWRD sewer shall be required to install, operate, clean and maintain an exterior grease recovery system of appropriate size and siting to achieve compliance with the requirements of this Ordinance 821. Each FOG producing facility and high strength waste discharger shall have a control manhole installed and located at a point downstream of the grease recovery system. No person shall construct or install a grease recovery system without the prior approval of the Director and issuance of an installation permit. Such approval shall include the approval of a plan for the proposed grease recovery system, inspection during construction or installation and inspection and approval of the completed installation. Upon completion of the work, and approval by the Director, a discharge permit shall be issued to the user by the Director. Each user facility shall hold a valid discharge permit issued by the Director.

(Ord. 821, passed 5-27-2022)

§ 37-3.03 ALL USERS.

Each user shall register its grease recovery system with the Director. Each user shall maintain and possess a valid discharge permit issued by the Director for each FOG producing facility. The discharge from each grease recovery system, as measured from the control manhole, shall not exceed the FCWRD maximum discharge limit(s), as set forth in Appendices A and B. Discharge permit information shall include the name, address and telephone number(s) of owner(s) and on-site manager(s), if different; a scaled sketch/drawing of the location of the grease recovery system on the FOG producing facility premises; location of the access manhole (and control manhole, if different); the components, design and size/capacity of the grease recovery system; and such other information as may be applicable.

(Ord. 821, passed 5-27-2022)

§ 37-3.04 SYSTEM MAINTENANCE.

(A) *General.* All grease recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, so that any discharge therefrom, as measured from the control manhole, does not exceed the FCWRD maximum concentration discharge limit(s).

(B) *Maintenance responsibility.* The owner(s), and any designated agents, shall be responsible for the maintenance of the grease recovery system for a FOG producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

(C) *Maintenance requirements.*

(1) All users shall maintain any grease recovery system so that the fats, oils and grease discharges therefrom, as measured from/at the control manhole, do not exceed the FCWRD maximum concentration discharge limits.

(2) All grease recovery systems shall have all floating material removed at a minimum of 90 days. All grease recovery systems shall be completely pumped out, including sediment, semi-annually or when the contents of the trap exceed the 25% rule. Semi-annual maintenance and maintenance due to exceeding the 25% rule shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. The frequency of maintenance may be increased to comply with the FCWRD daily maximum discharge limit(s) or the manufacturer's recommendation. The frequency shall be as often as necessary to prevent overflows of fats, oils and greases entering the FCWRD wastewater collection system.

(3) The pump-and-return method of decanting or discharging of removed waste back into the grease recovery system is prohibited.

(4) Any removal and hauling of fats, oils and greases shall be performed by a permitted grease hauler licensed by the state.

(5) If any grease recovery system discharge wastes fail to meet the FCWRD maximum concentration limit(s), the Director is authorized to demand or require the user to repair, replace or upgrade its grease removal system, at the sole expense of the user.

(D) *Maintenance records.* Each user, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility grease recovery system. The following records shall be kept on-site at the FOG producing facility for a minimum two-year period.

(1) *Haulers.* The hauler shall provide the facility manager, at the time of service, a manifest conforming to all state statutes and regulations (see 415 ILCS 5/22.30(e)), and the provisions of this Ordinance 821.

(2) *Manifest(s)*. The removal of grease recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes, and whether collected from an interior or an exterior grease recovery system.

(3) *Manifest information*. Each manifest shall contain the following information and such other information as may be required by statute:

(a) User information, including name, address, the volume pumped from each grease recovery system and date and time of the pumping;

(b) Hauler information, including company name, address, state license/permit number and disposal/receiving facility location information; and

(c) Receiving facility information, including the facility name and address, date and time of receiving and permit number.

(4) *Manifest/maintenance log*. The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests and other similar records regarding each cleaning or maintenance of the grease recovery system for the previous 24 months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Director, or his or her designated agent(s) or representative(s).

(5) *Manifest/maintenance log reporting requirements*.

(a) The owner(s) of any regular usage FOG producing facility (grease interceptors with capacity of 500 gallons or more) shall annually submit manifest/maintenance logs and any other applicable cleaning and/or service records of their grease recovery system. Said manifest/maintenance records shall be submitted no later than January 31 of every calendar year. Submittals shall include the 12 months of manifest/maintenance logs of the grease recovery system for the preceding calendar year. Failure to submit said manifest/maintenance logs may result in fines and penalties of \$500 per month until said manifest/maintenance logs are received and/or result in an inspection of said FOG producing facility and its grease recovery system. Manifests/maintenance logs may be submitted either by hardcopy through standard mail, directly to info@fcwrd.org, or reported online at www.flaggcreekwrd.org.

(b) Light usage FOG producing facilities such as pre-schools, churches, park district facilities or any FOG producing facility with a total liquid capacity of less than 500 gallon capacity; where the use is very light duty and there are eight or fewer DFUs tributary to the grease trap are not required to annually submit manifest/maintenance logs.

(6) *Permitted waste hauler*. The owner may employ a permitted waste hauler approved by the FCWRD. The permitted waste hauler must provide copies of the required manifest and maintenance information to the owner. This would allow the owner to be compliant with maintaining maintenance records and the records would be available for review by the FCWRD when necessary.

(Ord. 821, passed 5-27-2022)

ARTICLE 4. GREASE RECOVERY SYSTEMS - DESIGN AND PERFORMANCE STANDARDS**§ 37-4.01 WHERE REQUIRED.**

Registered grease recovery systems shall be operated and maintained or installed in each FOG producing facility that discharges into the FCWRD wastewater collection system. Each FOG producing facility shall have a control manhole.

(Ord. 821, passed 5-27-2022)

§ 37-4.02 TECHNOLOGY REQUIRED.

An approved grease recovery system shall consist of one or a combination of the following methods:

(A) Passive technology that is an approved exterior grease interceptor. See Appendix C following this Ordinance 821 for an example of an approved exterior grease interceptor; and

(B) Active technology including:

(1) An approved grease recovery system; or

(2) An approved solids transfer/grease transfer device.

(Ord. 821, passed 5-27-2022)

§ 37-4.03 PROHIBITED DISCHARGE.

Waste that does not contain grease, fats or oils and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 150°F shall not be introduced into any grease recovery system. Food waste grinders produce solid waste and shall not discharge into the building drainage system through a grease recovery system.

(Ord. 821, passed 5-27-2022)

§ 37-4.04 HIGH TEMPERATURE DISHWATER OR SINK DISCHARGE.

Wastewater that exceeds 150°F is prohibited from being discharged into the FCWRD wastewater collection system.

(Ord. 821, passed 5-27-2022)

§ 37-4.05 DUMPSTERS/DUMPSTER PADS.

Dumpsters/dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:

(A) The dumpster/dumpster pad is covered and constructed to protect the drainage connection from storm water runoff; and

(B) The drain is connected to a grease interceptor of at least 500 gallons' capacity, which will be maintained by the user in the method prescribed by this section for grease interceptors. (Ord. 821, passed 5-27-2022)

§ 37-4.06 GREASE INTERCEPTOR AND PASSIVE EXTERIOR DEVICE (PED) REQUIREMENTS.

(A) Each grease interceptor or PED design, including size, type and location, shall be reviewed and approved by the Director in substantial conformity to a grease interceptor detail as follows:

(1) Shall be sized and engineered based upon the anticipated load and/or conditions of actual use, having a 24-minute retention time under actual peak flow;

(2) Shall be constructed of sound, durable material, not subject to excessive corrosion or decay, and shall be water and gas tight if the grease interceptor or PED is of precast or poured-in-place concrete;

(3) Shall be traffic-worthy with accessibility to both the influent and effluent tee pipes;

(4) Shall contain baffles sufficient to allow a proper separation of grease from water. Baffles shall extend six inches above the water line but cannot flood the inlet pipe;

(5) Baffle wall shall be located a distance from the inlet wall of two-thirds to three-fourths of the total length of the interceptor or PED;

(6) Minimum 2:1 length to width ratio;

(7) Low velocity flow near outlet;

(8) Nine inches of freeboard at grease interceptor or PED top;

(9) The grease interceptor or PED shall have inlet and outlet tees. The outlet tee shall extend 50% into the liquid depth. The inlet tee shall extend 25% into the liquid depth. Inlet and outlet tee shall be a minimum of three inches in diameter;

(10) There must be access openings over the inlet, outlet and each compartment within the grease interceptor or PED. Each opening shall be 24 inches in diameter and contain pick holes. All covers shall be constructed of cast iron or equivalent traffic bearing material;

(11) Full size cleanouts shall be installed on the inlet and outlet sides of the interceptor and extended to grade. Additionally, a full-size cleanout shall be installed on the effluent pipe, exterior to the grease interceptor, upstream of the sanitary connection. All such cleanouts must be accessible for inspection and cleaning;

(12) Exterior grease interceptors or PEDs must be vented in accordance with the State Plumbing Code with a minimum two-inch diameter vent piping. Vent connections may be made through the top of the interceptor or PED, in which case the bottom of the vent shall extend no closer than six inches to the static water level or may be made through the side of the interceptor's access opening;

(13) Exterior grease interceptors or PEDs shall receive kitchen wastes. Kitchen wastes include: pot sinks, prep sinks, can wash and, in some buildings, floor drains;

(14) Minimum concrete compressive strength of 3,500 psi;

(15) Joints shall be properly sealed to prevent infiltration or exfiltration;

(16) Grease interceptors and PEDs must meet a minimum structural design of 150 pounds/square foot for non-traffic locations. For installations involving vehicular traffic, the interceptor shall be designed to withstand an H-20 wheel load;

(17) Grease interceptors or PEDs shall meet the following standards: ASTM C-1227 for septic tanks, C-913 for pre-cast wastewater structures, ACI-318 for design and ASTM C-890 for establishing minimum structural design loading;

(18) Grease interceptors or PEDs made of polyethylene or fiberglass shall be able to withstand the appropriate loading (traffic or non-traffic) or perform under a vacuum test to simulate loading and include 12,000 psi ultimate tensile strength, 19,000 psi flexural strength and 800,000 psi flexural modulus of elasticity per ASTM D790. Tanks shall be listed and labeled; and

(19) Shall be a minimum of 500 gallons (unless authorized by the Director) in size. Multiple grease interceptors or PEDs are allowed.

(B) An example of approved grease interceptor detail for an exterior grease interceptor is provided in Appendix C.

(Ord. 821, passed 5-27-2022)

§ 37-4.07 PASSIVE INTERIOR DEVICES (PIDS).

There shall be no PIDs installed in any user’s premises after the effective date of this Ordinance 821, unless authorized by the Director.
(Ord. 821, passed 5-27-2022)

§ 37-4.08 SIZING GREASE INTERCEPTORS.

All grease interceptors shall have a minimum capacity of 500 gallons. Internal grease traps shall have a total liquid capacity of not less than 50 gallons. The design shall be in compliance with the following table, where the total number of drainage fixture units determines the minimum grease interceptor or grease trap size:

<i>Number of Drainage Fixture Units (DFUs)</i>	<i>Minimum Grease Trap or Interceptor Size in Gallons</i>
8 or less	500
9 - 21	750
22 - 35	1,000
36 - 90	1,250
91 - 172	1,500
173 - 216	2,000
217 - 307	2,500
More than 308	3,000

(Ord. 821, passed 5-27-2022)

§ 37-4.09 WAIVERS TO SIZING GREASE TRAPS.

Food service facilities may be granted a waiver from the sizing requirements listed in § 37-4.08 if there is insufficient space available for installation of a properly sized grease trap. The owner/applicant may request a waiver from the requirement that internal grease traps shall have a total liquid capacity of not less than 50 gallons where the use is very light duty and there are eight or fewer DFUs tributary to the grease trap. In order to obtain a waiver, the user will be required to submit a written request for the waiver stating the proposed model and size (in liquid gallons capacity) to be installed. If the waiver is granted, the owner/applicant will be required to sign the waiver acknowledging that the District does not waive any rights to require a larger grease trap if discharge limits are not met.
(Ord. 821, passed 5-27-2022)

§ 37-4.10 ACTIVE INTERIOR RECOVERY DEVICE REQUIREMENTS.

AIRDs may be allowed in lieu of PEDs or other approved grease recovery systems in accordance with the following conditions:

(A) The method of food preparation involves and/or creates little or no discharge of grease;

(B) A technically logistical reason exists as to why an exterior grease interceptor or PED cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor);

(C) The installation or use of all grease recovery systems must be approved by the Director;

(D) Grease recovery systems shall receive all grease-laden waste discharge from the major point sources. A floor plan drain shall not be considered a major point source; and

(E) Grease recovery systems shall be sized based upon the anticipated load and/or conditions of actual use and manufacturer's recommendation.

(Ord. 821, passed 5-27-2022)

ARTICLE 5. ALTERNATIVE METHODS AND TREATMENT AGENTS**§ 37-5.01 ALTERNATIVE TECHNOLOGY/METHODS.**

Engineered alternative technology or methods may be permitted by the Director, only after inspection and review of the technology or method to ascertain that it meets or exceeds the minimum performance standards set forth by this Ordinance 821.

(Ord. 821, passed 5-27-2022)

§ 37-5.02 NO BIOLOGICAL OR CHEMICAL TREATMENT AGENTS.

The uses of biological or chemical agents that dissolve grease to permit it to be discharged into the sanitary sewer are not permitted.

(Ord. 821, passed 5-27-2022)

§ 37-5.03 NO PUMP AND RETURN METHODOLOGY.

(A) A user, hauler or contractor shall not use a pump and return methodology to service grease recovery systems. The material that is removed in the process of cleaning a grease recovery system shall not be discharged into any part of the public-owned treatment works, any private sewer, any drainage piping or storm sewer system. At no time may any portion of the contents removed from the grease

recovery system be discharged back into the grease recovery system or the sanitary sewer system. All materials removed shall be handled and disposed of in accordance with federal, state, county and local laws, rules and regulations.

(B) A user, hauler or contractor using a pump and return methodology to service grease recovery systems shall be fined \$1,000 for the first violation, \$2,000 for the second violation and \$5,000 for the third and subsequent violations.

(Ord. 821, passed 5-27-2022)

ARTICLE 6. PERMITS AND LICENSES, PROCEDURES, INSPECTIONS AND FEES

§ 37-6.01 PERMITS AND LICENSES - GENERAL.

Installation permits, discharge permits and grease hauler permits issued under this Ordinance 821 are not transferable.

(A) *Installation permits.* An installation permit shall be required for all newly constructed FOG producing facilities, all remodeled FOG producing facilities and for the replacement of any existing grease recovery system. An installation permit shall be valid for a 365-day period following issuance.

(B) *Discharge permits.* A discharge permit, required for each FOG producing facility, shall be valid for a one-year period following the date of issuance. Renewal of a discharge permit shall be in accordance with a registration application provided by the Director. Each user shall keep and maintain a valid, current discharge permit issued by the Director as one of the documents in the manifest/maintenance log required to be kept on the FOG producing facility premises.

(C) *Grease hauler permits (GHP).* A grease hauler permit shall be required for all companies which clean and transport FOGs from any FOG producing facility. The permit fee shall be \$200 annually. Grease hauler permits shall be valid for a one-year period following issuance. No cleaning of FOG facilities, hauling or transportation of FOGs from FOG facilities shall be permitted without a grease hauler permit. Cleaning of FOG facilities, hauling or transportation of FOGs from FOG facilities without a permit shall subject the user to fines, penalties and other enforcement action as set forth in § 37-8.04.

(D) *Repair permits.* A repair permit shall be required for repairs to any grease recovery system. The permit fee shall be \$75. A repair permit shall be valid only for a specific repair or group of repairs performed simultaneously. Any additional or new repairs shall require a new repair permit.

(Ord. 821, passed 5-27-2022)

§ 37-6.02 PROCEDURES.

(A) *Applications.* The Director is authorized to prepare application forms as may be required for application to obtain installation permits and discharge permits, or renewals thereof. The Director is authorized to establish any minimum submittal requirement(s) to accompany any such applications or renewals. Any refusal to issue a permit, where the applicant has submitted a complete permit, shall be in writing and shall specify any and all reason(s) for non-issuance.

(B) *Authority to revoke.* Where the Director finds that a permit holder is not in compliance with any provision(s) of this Ordinance 821 or is in violation of any provision(s) of this Ordinance 821, following compliance with the enforcement provisions of this Ordinance 821, the Director may revoke such permit. Any revocation of a permit by the Director shall be in writing and shall specify any and all reason(s) for such revocation. Any construction work or wastewater discharge subject to, or covered by, a revoked permit shall immediately cease, and no construction or installation work or wastewater discharge shall occur or be allowed until such time as a new permit has been applied for, and all fees, charges and costs have been paid by the owner(s), permit holder and the Director has issued a new permit.
(Ord. 821, passed 5-27-2022)

§ 37-6.03 INSPECTIONS.

(A) *Annual inspections.* The Director, or his or her designated agent(s) or representative(s), shall make or conduct an annual inspection and such other, or additional, inspections as the Director may deem necessary, of each FOG producing facility to evaluate and enforce compliance with the provisions of this Ordinance 821.

(B) *Newly constructed or remodeled FOG producing facilities, and grease recovery system replacement, inspections.* The Director, or his or her authorized agent(s) or representative(s), shall make or conduct those inspections deemed necessary by the Director to assure compliance with installation permits issued. These inspections shall, at a minimum, consist of an initial or in-progress construction or installation site inspection, and a final inspection following completion of the permitted installation.

(C) *Follow-up inspections.* A user charged with a notice of violation (NOV), issued by the Director, shall be re-inspected at any time within 30 days of the date of NOV issuance. Subsequent re-inspection(s) may occur, at any time, for as long as the user is non-compliant under the original NOV. The user shall be responsible for payment of a re-inspection fee for all re-inspections in accordance with the approved fee schedule, attached as Appendix A following this chapter.

(D) *Demand inspections.* Any time a sewer overflow (SO) or blockage occurs at or downstream of a FOG producing facility, a demand inspection shall be made or conducted by the Director, or his or her designated agent(s) or representative(s). If the user of FOG producing facility is found to be in violation of any provision of this Ordinance 821, and that violation(s) is believed to have caused or resulted in the

SO or blockage, the user shall be responsible for the payment of the demand inspections fee, as well as the labor, equipment and material cost(s) to correct the SO or blockage, in accordance with the approved fee schedule, attached as Appendix A following this chapter.

(Ord. 821, passed 5-27-2022)

§ 37-6.04 FEES.

The user shall be responsible for the payment of all fees for permits and inspections, and for all other charges as may be imposed by this Ordinance 821, in accordance with the current FCWRD approved fee schedule, attached hereto as Appendix A following this chapter.

(Ord. 821, passed 5-27-2022)

§ 37-6.05 FINES AND PENALTIES.

(A) The fees and charges established by this Ordinance 821 shall be payable monthly. If a user fails to pay all fees, charges and fines imposed under this Ordinance 821 by the due date, a penalty of 10% of the amount so billed shall be added thereto. Thereafter, if the amount so billed, or any portion thereof, remains unpaid, a penalty of 1.5% of the amount remaining unpaid shall be added 30 days after the due date, and 1.5% shall be added for each additional 30 days or portion thereof.

(B) In addition to the penalty herein provided, the District may assess such additional administrative and other costs as may be necessary to collect amounts not paid by the due date.

(Ord. 821, passed 5-27-2022)

ARTICLE 7. APPEALS

§ 37-7.01 APPEAL PROCEDURE.

(A) Any user, hauler or other person subject to this Ordinance 821 (“party”) shall have a right to appeal, to the Executive Director, requirements or restrictions placed upon the party, refusal to issue a permit or other matters related thereto as determined by the District.

(B) All appeals shall be in writing, specifying the reasons for the appeal, addressed to the Executive Director of the District, within 90 days of the action taken or requirements placed upon the party.

(C) The Executive Director will use his or her best efforts to respond in writing to a request for an appeal within 45 days of the receipt of a request and shall schedule an appeal meeting.

(D) When a meeting is scheduled by the Executive Director, not later than 14 calendar days prior to the scheduled appeal meeting, the party must submit all data pertinent to its appeal.

(E) At the meeting, the Executive Director, or his or her designee (“Director”), shall attempt to resolve any bona fide claims, disputes or inquiries which the party may have. All determinations made by the Director shall be reduced to writing and transmitted to the party. The Director will use his or her best efforts to transmit these determinations to the user within 60 days of the appeal meeting.

(F) In the event the party does not concur with the determination of the Director, within 30 days after receipt of the Director’s determination, the party may, in writing, petition the Board of Trustees for a hearing.

(G) Within 30 days after receipt of such a petition for an appeal, the Director will advise the party in writing of the date on which the Board of Trustees will consider the petition. The appeal may be heard by the Board of Trustees, or by such persons as it may designate. When such an appeal hearing is conducted by a designee of the Board of Trustees, the designated hearing officer shall submit a written report of findings to the Board of Trustees with respect to the appeal.
(Ord. 821, passed 5-27-2022)

ARTICLE 8. ENFORCEMENT

§ 37-8.01 PRE-ENFORCEMENT CONFERENCE.

(A) Upon determination that a violation has occurred, or upon discovery that an alleged violation has probably occurred, or that the party’s permit should be revoked, a notice of the violation is prepared and sent to the user by mail.

(B) The notice of violation (NOV) shall be in writing and include a statement of the reason(s) for its issuance.

(C) If a violation or potential violation has not been cured within the time limit set forth in the initial notice, then a conference date shall be established. The party, and any other appropriate entities, may be notified of the conference date by mail which said notice requires the party to appear at a scheduled pre-enforcement conference which describes the potential violation in sufficient detail for the party to begin abatement action; and which sets forth the time, date and place of the conference.

(D) Pre-enforcement conferences shall be scheduled not less than seven nor more than 21 days from the date notice of the conference has been sent; except that a shorter time may be set in cases of an emergency. Any respondent’s request for a continuance beyond 21 days must be in the form of an affidavit or verified statement setting forth specific reasons why the delay is requested. Said request for continuance shall be granted or denied by the Executive Director in writing and sent to the party.

(E) The Executive Director may grant continuances on conference dates for good cause shown.

(F) The term *USER* includes the owner of the real estate, the occupant thereof and/or the user of the service. In addition, the District may wish to join lessees, lien holders, mortgage lenders or other persons with an appropriate interest in the subject premises and whose rights in the premises may be affected by continued enforcement proceedings by the District.
(Ord. 821, passed 5-27-2022)

§ 37-8.02 CONDUCT OF CONFERENCE.

(A) The pre-enforcement conference shall be conducted by the Executive Director, or his or her designee.

(B) At the conference, the violation shall be explained in sufficient detail for parties to understand the nature of the violation and to begin abatement actions.

(C) No formal evidentiary rules shall apply, and the proceedings will not be transcribed. The purpose of the pre-enforcement conference is an attempt to gain voluntary compliance with the District's ordinances.

(D) Within five working days following the pre-enforcement conference, a letter shall be issued by the conference officer indicating the results of the conference, and further indicating a plan for abatement of a violation, and a schedule for compliance. The letter may also establish dates for future meetings, as necessary, to monitor progress with compliance.
(Ord. 821, passed 5-27-2022)

§ 37-8.03 NO AGREEMENT.

(A) If, during the pre-enforcement conference, the parties are unable to agree upon the nature of compliance or the schedule of compliance, the conference officer may recommend that the party be required to show cause why its permit should not be revoked, and/or its discharge into the public sanitary sewer system should not be disconnected and prohibited, and such further and other action as is deemed appropriate.

(B) The pre-enforcement conference is a process optional at the discretion of the District. The District may, in its discretion, bypass the pre-enforcement conference or terminate the conference at any time after it has been instituted and, in substitution therefor, may institute a show cause hearing procedure or institute a court proceeding for fine and/or injunction whenever the District determines that is in the best interests of the District to so proceed.
(Ord. 821, passed 5-27-2022)

§ 37-8.04 SHOW CAUSE PROCEEDINGS.

(A) When it has been determined that any person has failed to comply with this Ordinance 821, the Executive Director of the District may order anyone who engages in activity or conduct prohibited by this Ordinance 821 to show cause before the District's Board of Trustees (Board), or its hearing officer designee, why such prohibited activity or conduct should not be discontinued, and/or its permit should not be revoked, and all wastewater discharge subject to, or covered by, a revoked permit shall not be immediately ceased.

(B) A notice of show cause, directed to an authorized agent of a party, is served personally or by certified mail, specifying the time and place of a hearing to be held by the Board, and directing the party to show cause before the Board why an order should not be entered directing discontinuance of such prohibited activity or conduct.

(C) The Board may, itself, conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the District or any other person to issue, in the name of the Board, notices of hearings requesting attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; to take evidence; and to transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of action thereon. At any public hearing, testimony taken before the Board or any person designated by it must be under oath and recorded stenographically, or electronically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) After the Board has reviewed the evidence, it may issue an order to the party directing that, within a specified time period, the prohibited activity or conduct be discontinued unless adequate pretreatment facilities are properly installed and operated to ensure compliance, recommending penalties in the amount of not less than \$100 nor more than \$10,000 for each violation of this Ordinance 821. In addition to such fines and penalties, any sewer or manhole overflow, or sewer back-up, resulting from (a) violation(s) of any provision or section of this Ordinance 821, or an inadequately operating grease recovery system, or lack of an approved grease recovery system, shall result in the imposition of a service charge to the responsible party, including owner(s) or user(s). The service charge shall include the cost(s) of cleaning the blockage out of the immediately adjacent FCWRD wastewater collection system, as well as costs incurred by other property owners incurring damage due to the blockage. Imposition of (a) service charge(s) under this section, shall not preclude other enforcement action(s). In addition, the responsible party, including owners and users shall be responsible for payment of any fine levied by the State Environmental Protection Agency against the FCWRD as a result of any overflow or blockage in the FCWRD wastewater collection system, or NPDES permit discharge violations attributable to the party, including owner or user violation(s) of any provision or section of this Ordinance 821, or an inadequately operating grease recovery system, or lack of an approved grease recovery system. Any orders shall contain specific findings of fact and recommendations for corrective action.

(E) In cases where a determination has been made that a violation has occurred, the hearing officer may assess the costs of enforcement as part of the recommendations. These costs may include, but shall not be limited to: hearing officers fees, costs of recordation of the proceedings, expert witness fees and independent chemical or laboratory analysis charges.

(F) If a party violates the terms of a Board order, in addition to all other remedies granted to it herein, the FCWRD shall have the right to discontinue water services. The FCWRD shall have the right to terminate the water services whenever any party shall be shown to have violated the terms of a Board order, including the failure to pay fines, penalties, fees, costs, costs to remove blockages in the FCWRD sewer system or costs to other property owners for damages due to the blockage. Once water services are terminated, before water service can be restored, it is required that full payment of all fines, penalties, fees, costs to remove blockages in the FCWRD sewer system and all lost water service revenues which the District is obligated to pay the water provider, including the appropriate reconnection fees, are paid prior to restoring water services. Additionally, the FCWRD may recover in a civil action any fines, penalties, fees, costs or costs to remove blockages recommended by the Board for violations recited in the order. If any fines, penalties, fees, costs or costs to remove blockages imposed by a Board order remain unpaid for more than 30 days, in addition to all other remedies, the FCWRD may file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of 1.5% per month from the date of original billing.

(G) This enforcement procedure is hereby made expressly subject to the Administrative Review Act of the state, as set forth in 735 ILCS 5/3-101 et seq., as amended.
(Ord. 821, passed 5-27-2022)

§ 37-8.05 EMERGENCY CONDITIONS.

If user engages in any activity or conduct which is in violation of or prohibited by this Ordinance 821, and which gives rise to hazardous or emergency conditions, without first engaging in pre-enforcement proceedings or show cause proceedings, the District may commence an action or proceeding in the circuit court for the purpose of having such activity or conduct stopped either by mandamus, injunction or other extraordinary remedy.
(Ord. 821, passed 5-27-2022)

§ 37-8.06 ADMINISTRATIVE ENFORCEMENT REMEDIES.

When the District (FCWRD) finds a user or party has violated (or continues to violate) any provision of amended Ordinance 821, the FCWRD may assess against that user cumulative fines and penalties as follows:

- (A) Fats, oil and grease (FOG) permit revocation letter: \$25;
- (B) Pre-enforcement conference: \$50;

(C) Show cause hearing: \$100; and

(D) Process server (for divisions (B) and (C) above): actual costs.
(Ord. 821, passed 5-27-2022)

APPENDIX A - FEES AND SURCHARGES

The following schedule of fees shall apply for the FCWRD fats, oils and greases (FOG) ordinance, effective April 30, 2021.

Discharge permit (one-year term, includes annual inspection).....	\$150
Discharge permit - light usage (one-year term, includes annual inspection).....	\$50
(Light usage facilities may be pre-schools, churches and park district facilities)	
Installation permit (interior).....	\$100
Installation permit (exterior).....	\$350
Construction (in progress) inspection.....	\$50
Construction (final approval) inspection.....	\$50
Grease hauler permit (GHP).....	\$100
Repair permit.....	\$75
Follow-up inspection(s) after NOV issued.....	\$250
Emergency inspection fee.....	\$300
Service charge fee for sewer blockage(s) or sanitary sewer overflow (SSO)	
Labor/hour, each FCWRD employee.....	\$75/hour
Equipment/hour.....	\$100/hour
Materials.....	\$Actual Cost
Outside (independent) contractors.....	\$Actual Cost

Surcharge Program

The U.S. Environmental Protection Agency (USEPA) requires a user charge system to proportionately spread the costs of operation, maintenance and replacement costs of wastewater collection and treatment among residential, institutional, governmental, commercial and industrial user. A **USER** is defined as any entity that discharges wastewater into the FCWRD collection system. The FCWRD user charge system consists of:

1. A base user charge that all users must pay based upon water usage;
2. Permit fees;
3. Surcharge fees that food, commercial and industrial facilities must pay based on waste strengths that exceed the average domestic sewage waste strengths; and
4. Monthly fees which consist of a service fee assessed to all users.

A surcharge will be levied to all users whose wastewater exceeds the surcharge limits for biochemical oxygen demand (BOD); total suspended solids (TSS); and fats, oils and grease (FOG, hexane extractable materials); and/or ammonia nitrogen (NH3). The surcharge will be based on water usage as recorded by flow meters or sewer flow meters for all wastes which exceed the surcharge limits. The wastewater service charges will be reviewed annually and revised accordingly in order to assure equitable cost recovery for the collection and treatment of wastewater. Surcharge limits and rates for wastewater pollutants that impact the FCWRD are listed below.

<i>Pollutant</i>	<i>Surcharge Limit</i>	<i>Surcharge Rates</i>
Ammonia nitrogen	30 mg/L	\$0.775 per pound
Biochemical oxygen demand (BOD)	350 mg/L	\$0.219 per pound
Fats, oils and grease (FOG)	150 mg/L	\$0.542 per pound
Total suspended solids (TSS)	350 mg/L	\$0.153 per pound

In accordance with this Ordinance 821, the surcharge is computed by the following equation:

$$S = (P_s - P_{sl}) \times Q \times 8.345 \times S_r$$

Where: S = Surcharge cost per month;

P_s = Laboratory result of an effluent sample in mg/L;

P_{sl} = Surcharge limit of the pollutant in mg/L;

Q = Flowmeter rate of use in gallons per month;

8.345 = conversion factor of mg/L to pounds per million gallons; and

S_r = Surcharge rate to recover the treatment cost in dollars per pound.

For example, if a grease recovery system of the sample restaurant had an average effluent discharge of 450 mg/L of BOD, at a flowmeter rate of 600 (1,000-gallon units), the values would be inserted into the equation as follows:

$$S = (450-350) \text{ mg/L} \times 600,000 \text{ gal/month} \times 8.345 \text{ pounds/million gallons} \times \$0.219 \text{ per pound; and}$$

$$S = \$109.65 \text{ per month.}$$

If sample results indicated other pollutants exceed the surcharge limits, each pollutant would have a similar equation. The monthly bill would include the total surcharge of all pollutants that exceed their limits.

Where a user's discharge exceeds the limit for BOD and/or TSS, and its grease discharge, is below the limit for grease, the user can request the Executive Director to issue a grease interceptor maintenance waiver ("waiver") of the surcharge(s). The Executive Director can grant the waiver if he or she is satisfied that the user has taken reasonable steps to decrease the excessive discharge, including: 1) Whether the user practices kitchen procedures that would decrease the admission of BOD and TSS producing substances into its grease interceptor; 2) Whether the grease interceptor is sufficiently sized; 3) Whether the user is cleaning its grease interceptor with sufficient frequency; and 4) Any other factors that would indicate that the user is attempting to comply with the discharge limit for BOD and TSS. Where the user's discharge exceeds the limit for TSS and/or BOD, and the excessive discharge(s) is (are) less than 1,050 mg/L, the Executive Director may require the user to increase the frequency with which the user's grease interceptor is cleaned. Where the user's discharge exceeds the limit for TSS and/or BOD, and the excessive discharge(s) is (are) greater than 1,050 mg/L, but less than 1,550 mg/L, the user will be required to clean its grease interceptor bi-monthly. Where the user's discharge exceeds the limit for TSS and/or BOD is (are) greater than 1,550 mg/L but less than 2,050 mg/L the user will be required

to clean its grease interceptor monthly. The user will not be entitled to a waiver where its discharge of either BOD or TSS is greater than 2,050 mg/L. In order to maintain the waiver, the user will continue to make efforts to decrease BOD and TSS discharges to a level below the limits set forth in this Ordinance 821. If the waiver is granted, and later testing shows that the user's discharge exceeds the limit for grease, or that the user does not maintain kitchen procedures calculated to decrease BOD and TSS discharges, fails to clean and empty its grease interceptor as required by the Executive Director, or that there are other factors that would indicate that the user is not attempting to comply with the discharge limit for BOD and TSS, then the waiver is null and void, and the user will be assessed all appropriate surcharges as set forth in this Ordinance 821. The user will be required to sign the waiver and agrees to provide grease interceptor cleaning invoices when requested.

A user will be allowed a waiver of waste strength surcharge for a period of up to 120 days for a new, properly installed grease interceptor.

Any facility determined by the Executive Director to have the potential to exceed the normal concentrations for FOG and/or BOD and/or TSS for which an inspection manhole is not available, or which for any reason it is not possible to calculate the surcharge using the above-referenced formula in order to ascertain actual waste strength, shall be surcharged at the flat rate (FOG, BOD and TSS combined) of \$2.95 per 1,000 gallons of metered water consumption, in addition to the basic user rate. In the example above, if Ps could not be determined, the surcharge would be calculated as follows:

$$S = \$2.95 \times 600 \text{ (1,000-gallon units/month)} = \$1,770 \text{ per month.}$$

It is, therefore, in the best interests for the food facility to have an inspection pipe or manhole to determine an accurate sample and cost.

(Ord. 821, passed 5-27-2022)

APPENDIX B - DISCHARGE LIMITS

FCWRD wastewater maximum discharge limit(s):

Fats, oils and greases.....150 mg/L

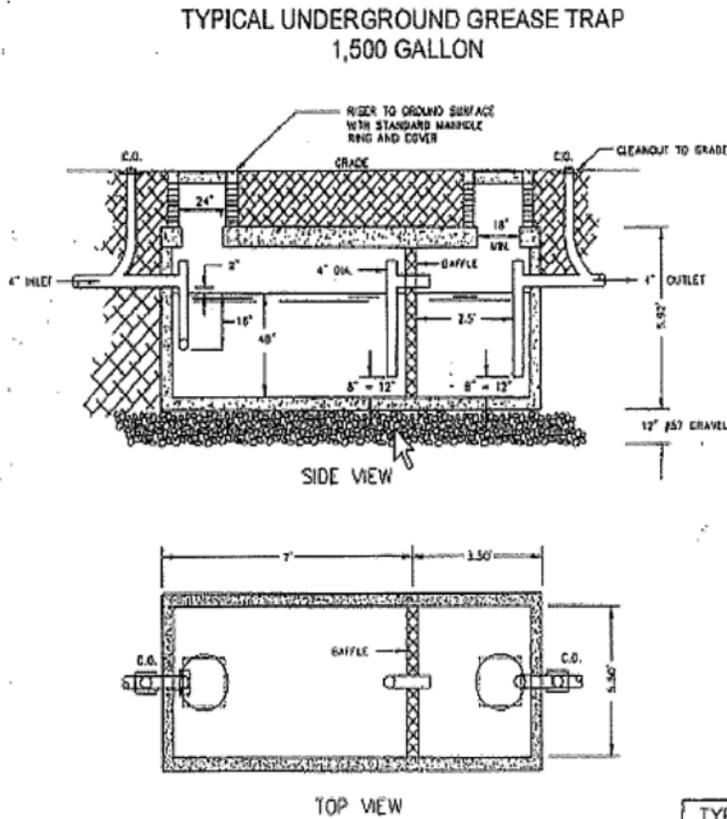
PH.....5.5 to 9.5

Temperature.....Does not exceed 150°F

(Ord. 821, passed 5-27-2022)

APPENDIX C - GREASE INTERCEPTOR DIAGRAM

Standard Detail of a 1,500 Gallon, Exterior, Grease Interceptor



F.C.W.R.D.
TYPICAL UNDERGROUND GREASE TRAP
1500 GALLON
NOT TO SCALE

(Ord. 821, passed 5-27-2022)

SECTION A-A - GREASE INTERCEPTOR REQUIREMENTS

Neenah R-1772 frames and seal tight lids with recessed pick hole. Frames shall be embedded in mortar and place in the center of the trap. Size: A 1,500-gallon interceptor shall have a 1,500-gallon holding capacity. Interior minimum length of each compartment 42 inches by interior minimum width 42 inches by six feet deep. Depth shall be measured from the bottom of the outlet pipe to bottom of the grease interceptor. The grease interceptor shall have an influent and effluent four-inch PVC, SDR 26 or thicker clean-out for cleaning and sampling.

Location: Outside and easily accessible for cleaning and inspection. Interior piping and tees shall be PVC SDR 26 or thicker. Baffle runs from floor to ceiling with a one foot high by two feet wide slot placed in the center of the baffle located 18 inches above floor. Baffles may be constructed of concrete, fiberglass or plastic provided it is suitable for exposure to fats, oils and grease. Drawing is not to scale and is for illustration purposes only.

(Ord. 821, passed 5-27-2022)

CHAPTER 38: METER INSTALLATION AND READING

CHAPTER 38: METER INSTALLATION AND READING

Section

Article 1. Meter Installation and Commercial User Credits

- 38-1.01 Water not discharged
- 38-1.02 Sewer use credit application form
- 38-1.03 Plumbing permit
- 38-1.04 Installation of meters
- 38-1.05 Fees
- 38-1.06 Inspection; repairs
- 38-1.07 Discharge prohibited
- 38-1.08 Costs for maintenance of meters
- 38-1.09 Meter mounting and accessibility
- 38-1.10 Calculating sewer use credits
- 38-1.11 Cooling towers
- 38-1.12 Irrigation systems
- 38-1.13 Other water usage not returned

Article 2. Meter Reading

- 38-2.01 Recitations
- 38-2.02 Study of the cost of meter readings
- 38-2.03 Board’s findings
- 38-2.04 Charges passed to the customer
- 38-2.05 Changes to user charge billings
- 38-2.06 Publishing information
- 38-2.07 Distributing information to users
- 38-2.08 Submission of report and recommendation

ARTICLE 1. METER INSTALLATION

§ 38-1.01 WATER NOT DISCHARGED.

Whenever a commercial user of the District uses significant quantities of metered water that is not discharged to the District’s sewers, the user may request that the water that is not discharged to the

District's sewers be deducted from the user's total consumption, and that a credit be allowed therefor for the user fee and sewerage service fee only. The credit shall not apply to, nor reduce the sewer availability charge. In order to receive a credit, the water usage not returned to the District's sewer system must be capable of measurement.

(Ord. 860, passed 3-28-2013)

§ 38-1.02 SEWER USE CREDIT APPLICATION FORM.

(A) Such commercial users must submit a sewer use credit application form. It is the responsibility of the user to provide documentation sufficient for an accurate determination of the water that does not enter the District's sewer system.

(B) Information to be submitted with the application form includes:

(1) A drawing or schematic of the building plumbing with proposed and/or existing meter location(s) and water discharge points clearly labeled. The schematic does not need to include all interior building plumbing but it does need to clearly denote the location of irrigation systems, cooling towers and/or anything that will be metered for a sewer use credit;

(2) Make, model and size of proposed or existing meters; and

(3) Name of contractor performing the installation of the meters.

(Ord. 860, passed 3-28-2013)

§ 38-1.03 PLUMBING PERMIT.

If required under the local plumbing code, a plumbing permit must be obtained for the installation of the meters, and all approved back flow prevention devices must be installed prior to the commencement of any plumbing work.

(Ord. 860, passed 3-28-2013)

§ 38-1.04 INSTALLATION OF METERS.

In order to receive the sewer use credit, in addition to submission of an application and supporting documentation, the user must install such meters as are required by the District, and to monitor and submit the water usage information recorded by those meters. The make, model, size and location of the proposed or existing meters must be submitted to and approved by the District. All such meters must measure water use in gallons, or the unit of measurement used by the municipality to determine water consumption.

(Ord. 860, passed 3-28-2013)

§ 38-1.05 FEES.

In accordance with the District's policy of recovering the costs of providing special services not used by the general population from the users of the service, the District will set appropriate fees, including an initial application fee and inspection fees.

(Ord. 860, passed 3-28-2013)

§ 38-1.06 INSPECTION; REPAIRS.

The District shall have the right to inspect the meters in order to verify that they are functioning properly, and to verify the accuracy of the readings submitted by the user. The District must be notified in advance of all meter replacements or seasonal disconnection. Any malfunction of the meter shall be repaired by the applicant within 30 days of notification or discovering that the meter is providing inaccurate information or is otherwise not operating properly. Failure to effect repairs within the specified time period shall result in the loss of the sewer use credit.

(Ord. 860, passed 3-28-2013)

§ 38-1.07 DISCHARGE PROHIBITED.

No water for which a sewer use credit has been approved shall be discharged to the District's sewer system.

(Ord. 860, passed 3-28-2013)

§ 38-1.08 COSTS FOR MAINTENANCE OF METERS.

All costs associated with the installation, maintenance, repair and reading of the meters shall be the responsibility of the user.

(Ord. 860, passed 3-28-2013)

§ 38-1.09 METER MOUNTING AND ACCESSIBILITY.

All meters shall be mounted horizontally, within five feet of the floor, and accessible by District personnel.

(Ord. 860, passed 3-28-2013)

§ 38-1.10 CALCULATING SEWER USE CREDITS.

Sewer use credits from an approved meter will only be calculated based on actual meter readings. No credit will be granted without obtaining an actual meter reading. In cases where readings from

multiple meters are required to calculate sewer use credits, all the required readings must be obtained in order for the credit to be processed.

(Ord. 860, passed 3-28-2013)

§ 38-1.11 COOLING TOWERS.

Sewer use credits for cooling towers will be calculated based upon the difference between sub-metered water use feeding the tower and sub-metered water discharging through overflows or “blow downs”. Overflows or “blow downs” must be maintained in good working order. No over-spray will be allowed. All cooling towers must have a sub-meter and a discharge meter to be eligible. No drains or hose connections will be allowed between the submeter and the discharge meter.

(Ord. 860, passed 3-28-2013)

§ 38-1.12 IRRIGATION SYSTEMS.

Sewer use credits for irrigation systems will be calculated based upon submetered water use on in-ground irrigation systems only. There shall be no sillcocks or hose connections as part of the sewer use charge abatement system. Compressor and drain fittings installed for winterizing the irrigation system shall not consist of hose connections but will utilize smaller valve connections. The sub-meter connection must be located downstream of (after) the main water meter.

(Ord. 860, passed 3-28-2013)

§ 38-1.13 OTHER WATER USAGE NOT RETURNED.

Other sub-metered water usage not returned to the sewer system may qualify for a sewer use credit.

(Ord. 860, passed 3-28-2013)

ARTICLE 2. METER READING

§ 38-2.01 RECITATIONS.

The Board of Trustees hereby adopts the recitations set forth in this Ordinance 748.

(Ord. 748, passed 1-23-2003)

§ 38-2.02 STUDY OF THE COST OF METER READINGS.

The District directs the District Director to make a study of the cost of meter readings which the District has purchased, and will purchase, from the several water providing municipalities within the

District and to also study alternate means of measuring sewage flow, including the installation of sewage flow meters for commercial accounts, and further directs that such report and the Director's recommendations relating thereto be delivered to the Board of Trustees at its next regular meeting after the report is completed.

(Ord. 748, passed 1-23-2003)

§ 38-2.03 BOARD'S FINDINGS.

(A) The Board of Trustees deems that the attempt by any municipality to pass on any administrative or capital costs for its water system in the form of billing services charges or meter readings charges is an unfair imposition upon the users of District.

(B) Even if all municipalities charged the same amount, the District be business of which is solely to provide for sewage collection and treatment would be obligated to pass on the meter reading costs to the residents of each municipality which might charge the District or in the alternative to greatly increase the user charges.

(Ord. 748, passed 1-23-2003)

§ 38-2.04 CHARGES PASSED TO THE CUSTOMER.

The Board of Trustees hereby declares that to avoid any such unfairness, or additional financial burden to the District, henceforth the water meter reading cost attributable to each water meter billing, which the District receives from any source whatsoever, shall be directly passed on to the customer whose user charge bill it relates to. Such principal and the charge on the billing shall be hereinafter referred to as "the direct pass through of meter reading costs". For computer purposes, the name may be shortened to meet database field requirements.

(Ord. 748, passed 1-23-2003)

§ 38-2.05 CHANGES TO USER CHARGE BILLINGS.

The District Director and staff are hereby directed to initiate changes to the District billing system to accommodate the direct pass through of meter reading costs and to integrate the changes on all of the user charge billings next issued after the changes to the computer billing system have been completed. To the extent necessary, the start time of such charge shall be delayed to match individual billing cycles for the various customer bases. The District shall add to the billings to defer the cost of billing system modifications required by the District and charged to the District by any municipality as well as media charges and the additional cost of the procedure, 10% of the gross billing for water service rounded up to the next \$0.05. The Director shall make a recalculation at any time that there is a change in any municipality charges to reflect such changes and introduce such changes and the costs thereof into the billing system at the earliest possible billing date.

(Ord. 748, passed 1-23-2003)

§ 38-2.06 PUBLISHING INFORMATION.

The District Director is directed to prepare for publication in the local newspapers such information as bears upon the passing through of the cost of water meter readings to the District so that the public can be properly informed of the purpose of the new direct pass through of meter reading costs charges to be placed upon the user charge bills are necessitated as a result of actions taken by either their own or other village's officials.

(Ord. 748, passed 1-23-2003)

§ 38-2.07 DISTRIBUTING INFORMATION TO USERS.

The District Director is directed to prepare, for distribution to any user, information bearing on the subject of the passing through of meter reading costs on the user charge billings. Such information shall be delivered or sent to any District user or other District inhabitant who requests the same and appears at the District in person or who sends the District a self addressed and stamped envelope.

(Ord. 748, passed 1-23-2003)

§ 38-2.08 SUBMISSION OF REPORT AND RECOMMENDATION.

After the Director submits his or her report to the Board, and the Director's recommendation is received and studied, the Board will revisit the subject, consider all alternatives and make a final determination of how the District will proceed in the future.

(Ord. 748, passed 1-23-2003)

CHAPTER 39: TELEVISION BUILDING SEWER LINES

CHAPTER 39: TELEVISIONING BUILDING SEWER LINES

Section

Article 1. Televisioning Building Sewer Lines Before Disconnection for Tear Down or Remodeling

- 39-1.01 Recitations
- 39-1.02 Inspection of building sewer line required
- 39-1.03 Tape to be delivered with application
- 39-1.04 Failing to abide provisions
- 39-1.05 Violation notice
- 39-1.06 Recording copy
- 39-1.07 Filing
- 39-1.08 Freedom of Information request
- 39-1.09 Final District billing pay off letter
- 39-1.10 Disconnection proceedings
- 39-1.11 Stop work order

Article 2. Requirements for Televisioning Building Sewer Lines

- 39-2.01 Disconnection permit required
- 39-2.02 District Inspector present
- 39-2.03 Approved plan review required
- 39-2.04 Camera inspection evaluation
- 39-2.05 Repairs
- 39-2.06 Overhead sewers
- 39-2.07 Disconnection permit fees
- 39-2.08 Time and manner of disconnection and plugging; violation
- 39-2.09 Overhead plumbing waiver
- 39-2.10 Waiver
- 39-2.11 Written reports

Article 3. Additional Circumstances Requiring a Video of Building Sewer Lines

- 39-3.01 Acknowledgment of concerns
- 39-3.02 Twenty-five percent
- 39-3.03 Adding circumstance
- 39-3.04 Requiring owner to inform the District
- 39-3.05 District permit
- 39-3.06 Charge for analysis

- 39-3.07 Assessment of composite charges
- 39-3.08 Conversion composite connection charge

***ARTICLE 1. TELEVISIONING BUILDING SEWER LINES BEFORE DISCONNECTION FOR
TEAR DOWN OR REMODELING***

§ 39-1.01 RECITATIONS.

The Board of Trustees hereby adopts the recitations in Ordinance 766 as if set forth herein.
(Ord. 766, passed 3-25-2004)

§ 39-1.02 INSPECTION OF BUILDING SEWER LINE REQUIRED.

The Board of Trustees hereby mandates that, before any building sewer line connected to a District sewer line or any other sewer line which is tributary to the District works of the system may be disconnected, that it is required that the applicant for disconnection, shall, at the sole expense of the building owner, have the interior of such building sewer line internally inspected by a company whose bond has been approved by the District and is and authorized to do televising of building sewer lines within the District so as to ascertain whether or not the severance of such line will affect any adjacent properties, by the making of a VCR tape or video disc of the inside of such line from a point within the building to be torn down or remodeled to the point of intersection with the public sewer line.
(Ord. 766, passed 3-25-2004)

§ 39-1.03 TAPE TO BE DELIVERED WITH APPLICATION.

(A) At the time of the application for a disconnection - reconnection permit, the VCR tape or video disc shall be delivered to the District for examination to ascertain if there are multiple connections to the building sewer line sought to be disconnected.

(B) Thereafter, the District staff shall:

(1) Review the video to ascertain whether severance of such line will result in the disconnection of any building other than the applicant's building connected to the public system through the building sewer line;

(2) Prepare and deliver to the applicant a written report, specifying whether any action is required to be taken and if any action is required, what action must be taken to preserve the right of any building not owned by the applicant, from being deprived of the right of sanitary waste disposal to the public system;

(3) If action is to be taken, the District shall withhold issuance of any disconnection - reconnection permit on the applicants parcel until the matter is resolved as the parties and, if applicable, the concerned village determines agrees to the resolution; however, such resolution must comply with the District's ordinances concerning building sewer lines and the requisite charges must be paid and permits obtained;

(4) If the evidence delivered to the District discloses no multiple connections to the public system through the building sewer line of the "tear down" building or building to be remodeled, the District shall, upon the applicant's payment of the proper disconnection charge, issue the permit to disconnect, and, thereafter, provided that the disconnection was properly made, upon payment of the proper composite connection charge, issue the permit to connect; and

(5) If there was a multiple connection, when the remedial work is done, there shall be no composite connection charge assessed to those buildings, other than the applicant's building, which were connected to the common building sewer line; however, an inspection charge will be required to be paid to the District.

(Ord. 766, passed 3-25-2004)

§ 39-1.04 FAILING TO ABIDE PROVISIONS.

Any state licensed plumber who fails to abide by the foregoing provisions shall be subject to the revocation of his, her or its right to do business involving any building sewer line or any connection to the District system within the District's service area.

(Ord. 766, passed 3-25-2004)

§ 39-1.05 VIOLATION NOTICE.

(A) If the matter of the replacement of the building sewer line is not agreed upon (including the financial arrangements and easements if required) within 30 days, the District will issue a violation notice to all of the concerned owners specifying that the multiple connection sewer line does not meet the requirement of the District's Code of Laws.

(B) Such violation notice shall not be rescinded until the matter is concluded to the mutual agreement of all parties, including the concerned village and the District issues a permit to install whatever is agreed upon which complies with the District's ordinances, resolutions, rules and regulations.

(C) There shall be a staff time surcharge added to any permit charge in accordance with the District's rate schedule.

(Ord. 766, passed 3-25-2004)

§ 39-1.06 RECORDING COPY.

In any the case where the District serves a notice upon an owner specifying violations of the Code of Laws, the District shall record a copy of such notice in the office of the Recorder of Deeds of DuPage County.

(Ord. 766, passed 3-25-2004)

§ 39-1.07 FILING.

Upon the compliance with the requirements of any such notice which is recorded, and payment of the necessary permit charge, including the staff time surcharge in accordance with the District's rate schedule and reimbursement for recording fees, the District shall deliver a document to the parties for filing with the Recorder of Deeds which specifies that the deficiency set forth in the recorded notice has been satisfied.

(Ord. 766, passed 3-25-2004)

§ 39-1.08 FREEDOM OF INFORMATION REQUEST.

The District shall make available the information in any such notice to any person serving upon the District a Freedom of Information request for such information.

(Ord. 766, passed 3-25-2004)

§ 39-1.09 FINAL DISTRICT BILLING PAY OFF LETTER.

The District shall make a notation of any such notice where the work specified to be required has not been deemed by the District to have been completed in accordance with District ordinances, resolutions, rules and regulations upon any final District billing pay off letter requested and issued until the matter is fully resolved.

(Ord. 766, passed 3-25-2004)

§ 39-1.10 DISCONNECTION PROCEEDINGS.

If the required work is not completed within the specified time or any District extension of such time, the District may commence disconnection proceedings to disconnect all of the buildings except the building upon whose land the building sewer runs from the un-permitted multiple building sewer line, in the sole discretion of the Board of Trustees.

(Ord. 766, passed 3-25-2004)

§ 39-1.11 STOP WORK ORDER.

If there is any information in the District's records which would bear on the subject of whether to televise or not to televise before disconnection, the Director may waive such action; however, if there is a waiver and the information upon which the waiver was based should be found to have been in error and the disconnection has affected another user, the District shall issue a "stop order" and no further work shall be done unless and until the matter is resolved in the same or similar manner as is set forth above.

(Ord. 766, passed 3-25-2004)

ARTICLE 2. REQUIREMENTS FOR TELEVISING BUILDING SEWER LINES

§ 39-2.01 DISCONNECTION PERMIT REQUIRED.

No one may demolish a building, or disconnect a building from the District sewer system, until they have first obtained from the District a disconnection permit.

(Ord. 745, passed 9-25-2008)

§ 39-2.02 DISTRICT INSPECTOR PRESENT.

After a disconnection permit has been issued, at the time a building sewer is disconnected, a District Inspector must be in attendance to direct inspect the disconnection of the building sewer from the District sewer system.

(Ord. 745, passed 9-25-2008)

§ 39-2.03 APPROVED PLAN REVIEW REQUIRED.

No one may perform any major building rehabilitation to a building, until they have first obtained from the District an approved plan review. Major building rehabilitation is defined as any repair, reconstruction, rehabilitation, addition or other improvement(s) of a building, within a three-year period, where the cost or value of the building improvement(s) equals or exceeds 50% of triple the assessed building value (as shown on the current assessment records of the Township Assessor).

(Ord. 745, passed 9-25-2008)

§ 39-2.04 CAMERA INSPECTION EVALUATION.

Prior to the issuance of a disconnection permit or an approved plan review, unless the District's records indicate that the building sewer was constructed, replaced or upgraded to the standard specified PVC pipe or approved liner, then a televised CCTV camera inspection of the building sewer interior

must be recorded on a video tape or disc and forwarded to the District for an evaluation. If, after review of the camera inspection, the District determines that the building sewer is in a poor state of repair, i.e., sags, leaks, cracks, broken segments, separated joints, multiple root intrusions or other signs of deterioration rendering the building sewer susceptible to ground and/or storm water infiltration, then the existing building sewer must be replaced with the specified PVC pipe, or where appropriate, as determined by the District, may be repaired with a cured in place pipe liner. All sewer replacement or lining must include the entire length of the building sewer from the building connection to the public main connection. If the District determines that the building sewer is in excellent condition and is not open to ground and/or storm water infiltration, then the District may accept the existing building sewer without requiring a replacement or liner.

(Ord. 745, passed 9-25-2008)

§ 39-2.05 REPAIRS.

A televised camera inspection also must be recorded and forwarded if the plans submitted with a plan review application reveal a potential structure build over conflict with the building sewer system. If the camera inspection discloses a build over conflict with the building sewer system, then the owner may be required to relocate the building sewer system, use an alternate building material to replace the building sewer system or take other measures, as directed by the District, in order to resolve the conflict.

(Ord. 745, passed 9-25-2008)

§ 39-2.06 OVERHEAD SEWERS.

(A) If, at any time, an inspection, whether by the District Inspector or review of the CCTV video tape or disc made by the District or an independent sewer contractor, discloses that the building sewer is:

- (1) Constructed of any material or such a manner which permits infiltration of ground water into the District system;
- (2) The conduit or tile is in deteriorated condition; or
- (3) Otherwise in need of replacement.

(B) The District shall so inform the user, applicant or owner. Failure to remedy deficiency within a reasonable time, not to exceed 30 days, weather permitting, shall constitute authority from the user, applicant or owner to the District Inspector to place a red-tag in a prominent place on the building indicating that work on the building shall cease and the owner or contractor doing the work must contact the District to obtain a permit to install a new building sewer line. The red-tag shall be removed only after the new building sewer line is installed from the public sewer to the building drain.

(Ord. 745, passed 9-25-2008)

§ 39-2.07 DISCONNECTION PERMIT FEES.

Overhead sewers are required for all new construction, including new additions where any part of the new improvement that is below grade is serviced by sanitary waste drains.

(Ord. 745, passed 9-25-2008)

§ 39-2.08 TIME AND MANNER OF DISCONNECTION AND PLUGGING; VIOLATION.

The disconnection permit fees shall be as follows.

(A) For the demolition or razing of each building, the cost of the disconnection permit shall be \$150 per building. Said payment shall include the cost of one inspection. For each additional inspection required, there shall be an additional charge of \$50. Such additional charge shall be added to the regular connection permit fee.

(B) Where only the portion of a building to which the building service line is connected is to be demolished or razed the cost of the disconnection permit shall be \$150. Such additional charge shall be added to the regular connection permit fee.

(C) In cases not involving new construction or such remodeling as described above, where the District discovers a deficiency in the building sewer line and requires the owner or user to repair or replace same the cost of the disconnection permit shall be \$150. Said payment shall include the cost of one inspection. For each additional inspection required, there shall be an additional charge of \$50. Such charge shall include the inspection of the replacement building sewer.

(Ord. 745, passed 9-25-2008)

§ 39-2.09 OVERHEAD PLUMBING WAIVER.

(A) The time and manner of the disconnection and plugging of the building sewer shall be as follows:

(1) The disconnection and building line removal, required and plugging must be completed prior to the commencement of demolition of the building; and

(2) The building sewer shall be plugged with a water-tight expendable plug and hydro cemented to prevent the entry of surface or subsurface and/or foreign matter into the public sewer.

(B) Failure to complete the required disconnection and plugging prior to the commencement of demolition shall result in a violation and fine of \$500 added to the disconnection permit fee. In all cases where there has been a disconnection as a result of demolition or partial demolition where the partial demolition includes the portion of the structure where the building sewer enters the building, the

applicable composite connection charge shall be paid in full (including any premium, if applicable), prior to re-connection.

(Ord. 745, passed 9-25-2008)

§ 39-2.10 WAIVER.

The requirement of overhead plumbing may be waived only if it is not physically possible to make such installation and the owner(s) of the property upon which the building is being constructed enter(s) into a recordable written agreement with the District wherein the owner, for himself, herself or themselves, and for his, her or their successors and assigns, releasing the District from any and all responsibility for any sewage backup into the home as a result of not having overhead sewers. Said release shall be recorded in the office of the Recorder of Deeds before an occupancy permit shall be issued.

(Ord. 745, passed 9-25-2008)

§ 39-2.11 WRITTEN REPORTS.

The Inspector shall make regular written reports to the District on the results of all inspections and disconnections.

(Ord. 745, passed 9-25-2008)

ARTICLE 3. ADDITIONAL CIRCUMSTANCES REQUIRING A VIDEO OF BUILDING SEWER LINES

§ 39-3.01 ACKNOWLEDGMENT OF CONCERNS.

The Board of Trustees acknowledges and accepts the concerns and recommendations of the staff concerning the interpretation of the provisions of the Code of Laws relating to the intent and meaning of the provisions of Ordinance 745 incorporated in §§ 39-2.01 through 39-2.11 and Ordinance 766 incorporated in §§ 39-1.01 through 39-1.11 and the requirement of replacing the building service line and other concerns.

(Ord. 803, passed 10-19-2006)

§ 39-3.02 TWENTY-FIVE PERCENT.

(A) From and after the passage of this Ordinance 803, the words 25% of the value of the building improvements in any ordinance of the District shall refer to and mean 25% of the assessed value of the building/structure improvements on the property as shown on the official records of the county where the property is located.

(B) The requirement of replacing the building service line set forth in Ordinance 745 shall also be applied to the situation where a residential building converted to a commercial building, as if the building were either a “tear down” or a remodeling in excess of 25% of the assessed value of the building/structure improvements on the subject property as shown on the official records where the property is located.

(Ord. 803, passed 10-19-2006)

§ 39-3.03 ADDING CIRCUMSTANCE.

The Board of Trustees also acknowledges and accepts the concerns and recommendations of the staff concerning the burdens which will be imposed upon the works of the system and the public at large as a result of building service lines which, for one reason or another, permit infiltration/inflow and/or exfiltration. The Board of Trustees hereby addresses the problem by adding to the Code of Laws a circumstance where the District may require the owners of buildings, not currently being remodeled but being served by such a defective building service line, which are discovered to suffer such conditions and thus become a risk to pollution of the environment to replace such line.

(Ord. 803, passed 10-19-2006)

§ 39-3.04 REQUIRING OWNER TO INFORM THE DISTRICT.

In any case where it comes to the attention of the District, as a result of inspection of video tape or a CD of a building service line or of the public sewer to which such building service line may be connected, or by visual inspection of any point of repair to any such building service line the District shall have the power and authority to require the owner of the building or structure served by such building service line to take such steps at the owner’s expense as are satisfactory, in the opinion of the Director of the District, to fully inform the District as to the true condition of such building service line, including, but not limited to, the following:

(A) Televising or re-televising the line with a higher resolution camera in order to more accurately reflect the true condition of such building service line; and

(B) Uncover any portion of the line which the District has good reason to believe contains defects which permit excess infiltration/inflow and/or exfiltration.

(Ord. 803, passed 10-19-2006)

§ 39-3.05 DISTRICT PERMIT.

When the true condition of such line or portions thereof which are of concern to the District becomes known, the District shall have the right to require the owner to obtain the necessary District permit paying to the District the usual permit charge and an additional charge for the work of the District to analyze the difficulty and direct action and do one or more of the following:

(A) Remove and replace such portion of the building service line which the District determines fails to adhere to the District's standards for infiltration/inflow and exfiltration;

(B) Line the building service line or such portion of the building service line which the District determines fails to adhere to the District's standards for infiltration/inflow and exfiltration with cured in place liners similar and serving the same function as the liners bearing the patented name "Insituform"; and

(C) Abandon the entire building service line or such portions thereof as directed by the District and install a completely new building service line meeting all current requirements of the District.
(Ord. 803, passed 10-19-2006)

§ 39-3.06 CHARGE FOR ANALYSIS.

The charge for the District to analyze the difficulty and to direct action established under this Ordinance 803 shall be a minimum of \$500 per building service line analyzed. Such charges are in addition to those charges heretofore enacted, and, in particular, are in addition to the composite connection charge, composite connection charge surcharge, as well as all others presently in effect.
(Ord. 803, passed 10-19-2006)

§ 39-3.07 ASSESSMENT OF COMPOSITE CHARGES.

The Code of Laws provisions relating to the assessment of composite connection charges and where applicable composite connection charge surcharges shall be applicable in the case of any new building, or conversion of a residential building to a commercial building, or conversion of all or a portion of a commercial building to a new use.
(Ord. 803, passed 10-19-2006)

§ 39-3.08 CONVERSION COMPOSITE CONNECTION CHARGE.

Where any new commercial building is constructed, or an existing residential building is converted to a commercial building, or all or a part of a commercial building is converted to another use, the District shall determine an initial effluent flow to emanate from the building or portion thereof, upon which the composite connection charge and, where applicable, composite connection charge surcharge shall be calculated. Such charges shall be adjusted, from time to time, upward as information concerning actual flow becomes known.
(Ord. 803, passed 10-19-2006)

CHAPTER 40: ILLEGAL CONNECTION TO BUILDING SERVICE LINE

2 Flagg Creek Water Reclamation District - Illegal Connection to Building Service Line

CHAPTER 40: ILLEGAL CONNECTION TO BUILDING SERVICE LINE

Section

- 40-1.01 Recitations
- 40-1.02 Accepting obligation
- 40-1.03 Calculating user charges for illegal connection
- 40-1.04 Flat rate billing
- 40-1.05 Delivering original flat rate user charge billing
- 40-1.06 Notice to disconnect illegal connections
- 40-1.07 User charge lien
- 40-1.08 Failure to disconnect
- 40-1.09 Payment in full required

§ 40-1.01 RECITATIONS.

The Board of Trustees hereby adopts the above recitations as part of this Ordinance 768.
(Ord. 768, passed 3-25-2004)

§ 40-1.02 ACCEPTING OBLIGATION.

The Board of Trustees has heretofore accepted the obligation imposed by the federal government as a result of the enactment of the Clean Water Act and the regulations promulgated by the Federal Environmental Protection Agency, including the obligation to charge user charges for collection, conveyance and treatment of sanitary wastes and infiltration/inflow arising from all parcels of land or user served by the District system.

(Ord. 768, passed 3-25-2004)

§ 40-1.03 CALCULATING USER CHARGES FOR ILLEGAL CONNECTION.

The Director of the District is hereby instructed that, whenever an illegal connection, directly or indirectly, to the District system is detected (whether discharging sanitary wastes or inflow/infiltration waters), the Director shall calculate the estimated sum of user charges based upon the current rates which the District has not collected as a result of the non-disclosure of such illegal connection and is further directed to submit to the owner of the land or such building or structure from which the illegal flow

4 **Flagg Creek Water Reclamation District - Illegal Connection to Building Service Line**

emanates an original user charge billing (if no user charges have been paid) or supplementary user charge billing (if user charges have been paid, but not for the flow emanating from an illegal storm water/sump pump - piping system connection).
(Ord. 768, passed 3-25-2004)

§ 40-1.04 FLAT RATE BILLING.

(A) For an illegal connection of the building service line, there shall be a flat rate billing for the type of use as authorized in the District ordinances as generally applicable, with the starting date of service the latest of the year of construction of the building, as indicated by the records of the Township Assessor's records, 1975, and the date that the current owner took title. An owner shall have the right to make proof of a later date, in which case, if such proof is accepted by the District, such later date shall apply as the beginning date for the flat rate billing. If later proof indicates that the building service line was laid with materials not then authorized by the District ordinance, the District may require that the line be replaced with proper approved materials.

(B) In the case of an illegal connection of a storm water/sump pump - piping system, the estimated flow shall be based upon the full capacity of the size of the pipe under pressure and it shall be assumed that the pipe flows full at least 12 hours per day and, in making such calculation, the Director shall use, as the beginning date, the date the latest of the date of the assumption of ownership by the current owner, 1975 or of the issuance of the original connection permit for the building or structure from which the flow emanates.

(C) The Director shall use the following formula to calculate the supplemental user charge billing for a storm water/sump pump - piping system connection:

$\text{FPF} \times 12 \text{ (operating hours per day)} \times 365 \text{ (days per year)} = F$ $Y \times F = Q$ $Q \times S = \text{Supplementary user charge billing}$
Definitions: FPF = Full pipe flow based upon size of pipe Y = The number of years since the original connection permit was issued (shall not be greater than current year - 1975 or the current year minus the year of acquisition by current owner) F = The full flow capacity of the illegal discharge pipe connected to the system Q = The total quantity of flow which it is estimated that the District has received since the illegal connection was made

(Ord. 768, passed 3-25-2004)

§ 40-1.05 DELIVERING ORIGINAL FLAT RATE USER CHARGE BILLING.

The District shall deliver such an original flat rate user charge billing in the case of an illegal building service line connection or a supplementary user charge billing in the case of a storm water/sump

pump - piping system connection or combined user charge billing in the case both types of illegal connections are discovered, by mail, one copy regular mail, one copy by return receipt requested certified mail and a final copy by affixing it to the front entrance of the building addressed to the user/owner.

(Ord. 768, passed 3-25-2004)

§ 40-1.06 NOTICE TO DISCONNECT ILLEGAL CONNECTIONS.

The District shall also deliver, in the same envelopes, a notice to disconnect the illegal connection(s) from the District system.

(Ord. 768, passed 3-25-2004)

§ 40-1.07 USER CHARGE LIEN.

If the original user charge bill, adjusted user charge billing or both is not paid in full or arrangements are not made for installment payment of the full amount within ten days, a user charge lien shall be filed in the office of the Recorder of Deeds of DuPage County. In the case of installment payments are authorized, a deferred lien agreement authorizing such installments shall be recorded as a lien upon the property.

(Ord. 768, passed 3-25-2004)

§ 40-1.08 FAILURE TO DISCONNECT.

Failure to disconnect the illegal connection(s) within ten days after the later of the mailing of the letters with proper postage prepaid, or posting on the door of the building, shall result in a revocation of the original connection permit, if any, and a disconnection order.

(Ord. 768, passed 3-25-2004)

§ 40-1.09 PAYMENT IN FULL REQUIRED.

After disconnection, there shall be no reconnection until the full user charges due to date of disconnection, including the original billing and/or adjusted user charge billing, or both, are paid and a full composite connection charge and, where applicable, composite connection surcharge is paid based upon the rate schedule in effect on the date of reapplication. No credit shall be given for any prior payment of composite connection charges or composite connection charge surcharges and/or, in the case where the subject parcel is within the area acquired from the Oak Brook Utility Company, no capacity allocation made to the parcel as a result of a State Commerce Commission hearing on a certificate of convenience and necessity shall be applicable. Under no circumstance shall any storm water/sump pump - piping system connection be authorized to be connected to any system tributary to the District system.

(Ord. 768, passed 3-25-2004)

6 Flagg Creek Water Reclamation District - Illegal Connection to Building Service Line

**CHAPTER 41: COST REIMBURSEMENT PROGRAM FOR INSTALLATION OF
OVERHEAD SEWERS OR BACKFLOW PREVENTION DEVICES**

2 Flagg Creek Water Reclamation District - Cost Reimbursement Program for Installation of Overhead Sewers or Backflow Prevention Devices

CHAPTER 41: COST REIMBURSEMENT PROGRAM FOR INSTALLATION OF OVERHEAD SEWERS OR BACKFLOW PREVENTION DEVICES

Section

- 41-1.01 Requirements established
- 41-1.02 Reimbursement
- 41-1.03 Application of program
- 41-1.04 Funding
- 41-1.05 Limitations
- 41-1.06 Waiver
- 41-1.07 Inspection
- 41-1.08 Development of program
- 41-1.09 Applications
- 41-1.10 Determination of eligibility; appeal
- 41-1.11 Evaluation

§ 41-1.01 REQUIREMENTS ESTABLISHED.

A cost reimbursement program for the installation of overhead sewers or backflow prevention devices is hereby established in accordance with the following requirements.
(Ord. 870, passed 8-23-2013)

§ 41-1.02 REIMBURSEMENT.

The District will reimburse an eligible owner up to an amount set forth in the District's program for installation of a District approved overhead sewer system or backflow prevention device.
(Ord. 870, passed 8-23-2013)

§ 41-1.03 APPLICATION OF PROGRAM.

(A) The program applies to any eligible, pre-code buildings connected to the District collection system.

4 Flagg Creek Water Reclamation District - Cost Reimbursement Program for Installation of Overhead Sewers or Backflow Prevention Devices

(B) The program shall apply to installations of overhead sewers or backflow prevention devices made after the effective date of this Ordinance 870. The District shall, in its sole discretion, determine the eligibility of installations for this program.

(Ord. 870, passed 8-23-2013)

§ 41-1.04 FUNDING.

Financial participation of the District is limited to funds budgeted for the program. Funding for the period from the effective date of this Ordinance 870 to April 30, 2014 is limited to \$20,000. Funding levels may be changed or eliminated based on the District's annual review of the program.

(Ord. 870, passed 8-23-2013)

§ 41-1.05 LIMITATIONS.

The program is limited to the actual cost of the plumbing work associated with installation of an overhead sewer or backflow prevention device, subject to the funding limitations described above, but does not include incidental costs, such as landscape restoration, carpentry work, drywall restoration, painting, tile, carpeting and the like.

(Ord. 870, passed 8-23-2013)

§ 41-1.06 WAIVER.

The owner of the building where the overhead sewer or backflow prevention device is installed must agree to release and waive any claim, suit or liability against the District from any previous sanitary sewer backups or any consequence of the selection of the system to be installed, contractor to be utilized, installation of the system, operation or maintenance of the system once it is installed, including, without limitation, the failure or malfunction of the overhead sewer or backflow prevention device, or the eligibility, participation or funding priority in this program.

(Ord. 870, passed 8-23-2013)

§ 41-1.07 INSPECTION.

The owner must allow the District to inspect the building and its sewer system prior to the District's determination of eligibility for this program. The nature and extent of any sources and potential sources of infiltration and inflow will be considered in determining eligibility for participation in this program. The owner must allow the District to inspect the building and its sewer system following participation in the program and completion of the installation.

(Ord. 870, passed 8-23-2013)

§ 41-1.08 DEVELOPMENT OF PROGRAM.

The District shall develop, subject to approval of the Board of Trustees, program requirements necessary to implement the program.

(Ord. 870, passed 8-23-2013)

§ 41-1.09 APPLICATIONS.

The District shall review all applications for participation, including the proposals for installation, and may require revisions thereon to comply with applicable District ordinances and requirements.

(Ord. 870, passed 8-23-2013)

§ 41-1.10 DETERMINATION OF ELIGIBILITY; APPEAL.

The District shall have the sole authority to determine eligibility for participation, prioritization of requests and compliance with all District ordinances. Any appeal of decisions shall be made to the Board of Trustees as the final authority.

(Ord. 870, passed 8-23-2013)

§ 41-1.11 EVALUATION.

The program will be evaluated, from time to time, in the District's discretion and the District may change or eliminate the program.

(Ord. 870, passed 8-23-2013)

6 Flagg Creek Water Reclamation District - Cost Reimbursement Program for Installation of Overhead Sewers or Backflow Prevention Devices

CHAPTER 42: SYSTEM USER CHARGES - DELINQUENCY

CHAPTER 42: SYSTEM USER CHARGES - DELINQUENCY

Section

- 42-1.01 Adopting provisions
- 42-1.02 Power to conduct business
- 42-1.03 Power to enforce rules for sewerage system construction
- 42-1.04 Power to enforce rules for preservation of sewerage system
- 42-1.05 Power to charge for use and service
- 42-1.06 Charges and rates
- 42-1.07 Delinquent rates
- 42-1.08 Liens
- 42-1.09 Sworn statement
- 42-1.10 Copy of notice of lien
- 42-1.11 Foreclosing lien
- 42-1.12 Discontinuation for payment
- 42-1.13 Serving notice
- 42-1.14 "Opportunity to be heard"
- 42-1.15 Actions upon receiving notice
- 42-1.16 Reimbursement for discontinuance
- 42-1.17 Contracting for discontinuance
- 42-1.18 Reimbursement for lost revenue and cost of discontinuance
- 42-1.19 Civil action to recover
- 42-1.20 Judgment in a civil action
- 42-1.21 Lien not in derogation

§ 42-1.01 ADOPTING PROVISIONS.

The corporate authorities of the District hereby accept and adopt the provisions of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq., in so far as it relates to the operation and maintenance, and charging and collection, of user charges for a sanitary district formed and operating under the Sanitary District Act of 1917, 70 ILCS 2405/1 et seq., as modified by the federal grant regulations promulgated by the federal EPA, pursuant to the federal Clean Water Act.
(Ord. 780, passed 11-18-2004)

§ 42-1.02 POWER TO CONDUCT BUSINESS.

The Board of Trustees has full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the Board and the corporation, and for carrying into effect the objects for which the District was formed. Except in the case of grease trap ordinance violations, such ordinances may provide for a fine for each offense of not less than \$100 or more than \$1,000. Each day's continuance of such violation shall be a separate offense. Fines pursuant to this section are recoverable by the District in a civil action. The District is authorized to apply to the Circuit court for injunctive relief or mandamus when, in the opinion of the Chief Administrative Officer, such relief is necessary to protect the sewerage system of the District.
(Ord. 780, passed 11-18-2004)

§ 42-1.03 POWER TO ENFORCE RULES FOR SEWERAGE SYSTEM CONSTRUCTION.

The Board of Trustees of any sanitary district that owns and operates, or that may hereafter own and operate, a sewerage system constructed or acquired under the provisions of any law of this state has the power to make, enact and enforce all needful rules and regulations in the construction, acquisition, improvement, extension, management and maintenance of its sewerage system and for the use thereof.
(Ord. 780, passed 11-18-2004)

§ 42-1.04 POWER TO ENFORCE RULES FOR PRESERVATION OF SEWERAGE SYSTEM.

The Board of Trustees of such a sanitary district also has the power to make, enact and enforce all needful rules, regulations and ordinances for the improvement, care and protection of its sewerage system, which may be conducive to the preservation of the public health, comfort and convenience, and to render the sewage of the sanitary district harmless in so far as it is reasonably possible to do so.
(Ord. 780, passed 11-18-2004)

§ 42-1.05 POWER TO CHARGE FOR USE AND SERVICE.

(A) The Board of Trustees of the District has the power, by ordinance, to charge the inhabitants thereof for the use and service of its sewerage system and to establish charges or rates for that purpose. The Clean Water Act, being 33 U.S.C. §§ 1251 et seq., does not provide for a replacement or depreciation fund; however, the federal regulations issued by the Federal EPA, 40 C.F.R. Chapter 1, § 35.2140, preempt the state statute and, pursuant thereto, automatically include "operation and maintenance (including replacement)". The replacement fund may also be referred to as a "depreciation fund".

(B) A depreciation fund is a fund for such replacements as may be necessary, from time to time, for the continued effective and efficient operation of the system. The depreciation fund shall not be

allowed to accumulate beyond a reasonable amount necessary for that purpose, and shall not be used for extensions to the system.

(Ord. 780, passed 11-18-2004)

§ 42-1.06 CHARGES AND RATES.

Charges or rates have heretofore been established, revised and maintained by ordinance and become payable as the Board of Trustees may determine by ordinance. Such charges or rates shall be liens upon the real estate upon or for which sewerage service is supplied; provided, however, except for the liens heretofore established by said Ordinance 405, which was amended by Ordinance 471 and incorporated in § 28-1.07, such liens shall not attach to such real estate until such charges or rates have become delinquent, as provided by the ordinance of the sanitary district fixing a delinquency date.

(Ord. 780, passed 11-18-2004)

§ 42-1.07 DELINQUENT RATES.

A rate or charge is delinquent if it is more than 30 days overdue.

(Ord. 780, passed 11-18-2004)

§ 42-1.08 LIENS.

(A) Except for the liens heretofore established by said Ordinance 405, which was amended by Ordinance 471 and incorporated in § 28-1.07, a lien authorized hereunder shall be created only if the District sends to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number:

(1) A copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent; and

(2) A notice that unpaid charges or rates may create a lien on the real estate under this section.

(B) Except for the liens heretofore established by said Ordinance 405, nothing in this section shall be construed to give the sanitary district a preference over the rights of any purchaser, mortgagee, judgment creditor or other lien holder arising prior to the filing in the office of the Recorder of the county in which such real estate is located, or in the office of the registrar of titles of such county if the property affected is registered under the torrens system, of notice of said lien.

(Ord. 780, passed 11-18-2004)

§ 42-1.09 SWORN STATEMENT.

The notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for the identification thereof, upon or for which the sewerage service was supplied;

(B) A copy of the District's user charge billing showing the name of the use and the amount or amounts of money due for such sewerage service; and

(C) The date or dates when such amount or amounts became delinquent.
(Ord. 780, passed 11-18-2004)

§ 42-1.10 COPY OF NOTICE OF LIEN.

A copy of the notice of the lien shall be sent to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number.
(Ord. 780, passed 11-18-2004)

§ 42-1.11 FORECLOSING LIEN.

The District shall have the power to foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate.
(Ord. 780, passed 11-18-2004)

§ 42-1.12 DISCONTINUATION FOR PAYMENT.

The payment of delinquent charges for sewerage service to any premises may be enforced by discontinuing either the water service or the sewerage service to that premises, or both.
(Ord. 780, passed 11-18-2004)

§ 42-1.13 SERVING NOTICE.

The District shall have the right and authority to serve notice upon any public or municipal corporation or political subdivision of the state furnishing water service to a premises requesting discontinuance of the water service in order to assist the District in collecting delinquent user charges.
(Ord. 780, passed 11-18-2004)

§ 42-1.14 “OPPORTUNITY TO BE HEARD”.

The District shall not request discontinuance of water service before sending a written notice of delinquency to the sewer user (with a copy to the owner) and affording the user/owner an opportunity to be heard. The requirement of an “opportunity to be heard” requirement shall be satisfied by giving the user and/or owner ten days after the posting of the delinquency notice to appear at the District office with payment or evidence of payment. Evidence of partial payment indicating a partial payment has been paid subsequent to the date specified in the notice of delinquency may, if circumstances justify it, be grounds for delaying requesting the water service termination, but not in excess of 30 days. Failure of the user or owner to appear at the District office or to exhibit evidence of full payment (cancelled check or receipt executed by District personnel) of the delinquent amount shall constitute the user/owner’s admission that there is no legitimate defense to the District’s right to request the applicable municipality or public utility to discontinue water service.

(Ord. 780, passed 11-18-2004)

§ 42-1.15 ACTIONS UPON RECEIVING NOTICE.

Upon receiving written notice from the District that payment of the rate or charge for sewerage service to the premises, identified by P.I.N. and the District and municipality user number, has become delinquent the municipality in which the premises lies shall:

(A) Discontinue that service; and

(B) Not resume water service until receiving a written notice from the District that the delinquency has been removed.

(Ord. 780, passed 11-18-2004)

§ 42-1.16 REIMBURSEMENT FOR DISCONTINUANCE.

The District shall reimburse the public, municipal corporation or political subdivision of the state or public utility for the reasonable cost of the discontinuance and the resumption of water service.

(Ord. 780, passed 11-18-2004)

§ 42-1.17 CONTRACTING FOR DISCONTINUANCE.

The District may contract with any privately-owned public utility for the discontinuance of water service to a premises with respect to which the payment of a rate or charge for sewerage service has become delinquent.

(Ord. 780, passed 11-18-2004)

§ 42-1.18 REIMBURSEMENT FOR LOST REVENUE AND COST OF DISCONTINUANCE.

The District shall reimburse the water service provider for any lost water service revenues and the costs of discontinuing water service, and shall indemnify the water service provider for any judgment and related attorney's fees resulting from an action based on the discontinuance of water service to induce payment of District user charges.

(Ord. 780, passed 11-18-2004)

§ 42-1.19 CIVIL ACTION TO RECOVER.

The District also has the power, from time to time, to sue the owner, occupant or user of that real estate, or a person receiving any, direct or indirect, benefit from such services, in a civil action to recover money due for sewerage services, plus a reasonable attorney's fee, to be fixed by the court; provided, however, that the Sanitary District shall give notice of its intention to bring such action to the owner of record by regular mail not less than seven days prior to filing such civil action. Any judgment entered by the court shall be jointly and severally entered against all parties over whom the court has jurisdiction. The District shall not collect more than the full amount due plus interest, costs and attorney fees.

(Ord. 780, passed 11-18-2004)

§ 42-1.20 JUDGMENT IN A CIVIL ACTION.

Judgment in a civil action brought by the District to recover or collect such charges shall not operate as a release or waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release and satisfaction of the lien shall release said lien.

(Ord. 780, passed 11-18-2004)

§ 42-1.21 LIEN NOT IN DEROGATION.

The lien for charges on account of services or benefits provided for in this Ordinance 780 and the rights created hereunder shall be in addition to and not in derogation of the lien upon real estate created by and imposed for general real estate taxes and that imposed by Ordinance 405, which was amended by Ordinance 471 and incorporated in § 28-1.07, of the District, enacted January 23, 1975 and recorder in the office of the Recorder of Deeds of DuPage County, as document R75-19171.

(Ord. 780, passed 11-18-2004)

CHAPTER 43: “IN BULK” DISCHARGE BY SATELLITE COMMUNITIES

2 Flagg Creek Water Reclamation District - “In Bulk” Discharge by Satellite Communities

CHAPTER 43: “IN BULK” DISCHARGE BY SATELLITE COMMUNITIES

Section

- 43-1.01 Recitations
- 43-1.02 Accepting recommendation to charge in bulk satellite communities
- 43-1.03 Considerations for billing satellite communities
- 43-1.04 Formula for charges
- 43-1.05 Effective date
- 43-1.06 Notification
- 43-1.07 Adjusting annual budget
- 43-1.08 Failure to pay
- 43-1.09 Reconnection
- 43-1.10 Unauthorized connections

§ 43-1.01 RECITATIONS.

The recitations of this Ordinance 767 are hereby incorporated herein.
(Ord. 767, passed 3-25-2004)

§ 43-1.02 ACCEPTING RECOMMENDATION TO CHARGE IN BULK SATELLITE COMMUNITIES.

The Board of Trustees of the District hereby accepts the recommendations of the District staff to commence to charge each and every such “in bulk” satellite community or other non-individual legal entity user of District services which owns and/or operates any non-combined sewer system within or without the District and which discharges flows to the District collection system for collection, conveyance and ultimate treatment, where flow measurements are obtainable, for the actual burden which such satellite community or other non-individual legal entity user contributes to the District system.
(Ord. 767, passed 3-25-2004)

§ 43-1.03 CONSIDERATIONS FOR BILLING SATELLITE COMMUNITIES.

The Board of Trustees hereby directs the District staff to bill such satellite community or other non-individual legal entity owner in each geographic area where the satellite community or other non-individual legal entity owner is the user to whom the District renders the bill for District services,

4 Flagg Creek Water Reclamation District - "In Bulk" Discharge by Satellite Communities

where no individual user charge bills are rendered to the individual home or business owners by the District, the total delivered flow and/or total collected flow charge based upon the total delivered flow and/or total collected flow taking into consideration the following:

(A) The greater of:

(1) Pumped potable water, per meter reading from the satellite community water system, utility or other source of potable water supply; or

(2) Measured total delivered flow and/or total collected flow, including such infiltration/inflow as may have entered the satellite community's or other legal entity owner's local lateral and minor interceptor system as measured at the junction(s) of the such sanitary sewer system with that of the District.

(B) Plus an additional charge based upon the following: number and type of lift stations serving the flow stream down stream of the common connection and the annual operation cost, including depreciation based upon a 30-year life basis and number of users (flow based per meter reading with the gallons per equivalent home being 282 GPD, adjusted annually) billing period base as follows:

(1) Serving only the geographic area;

(2) Serving the geographic area and other areas; and

(3) Spinning wheel lift station.

(C) The District's cost of operation and maintenance, including replacement, as required by the regulations 40 C.F.R. Chapter 1, part 35, § 35.929-2.
(Ord. 767, passed 3-25-2004)

§ 43-1.04 FORMULA FOR CHARGES.

The following formula shall be utilized to calculate the actual per unit of measure (gallons or cubic feet) charge for the total delivered flow and/or total collected flow charge for all such geographic areas:

Monthly cost = $F_s \times UC/1,000 + LSOM$ LSOM = Lift station(s) operation and maintenance cost (proportionate share) UC = User charge (updated annually) Where F_s = Flow measured by District flow meter in sewer line Where F_s is always greater than or equal to the metered flow
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(Ord. 767, passed 3-25-2004)

§ 43-1.05 EFFECTIVE DATE.

The total delivered flow and/or total collected flow charge for each such geographic area shall be placed into effect commencing as soon as the necessary information becomes available, with the first billing not later than January 2, 2005.

(Ord. 767, passed 3-25-2004)

§ 43-1.06 NOTIFICATION.

The District shall notify the satellite community or other entity responsible for the sewage collection system in each such geographic area to which the total delivered flow and/or total collected flow charge shall become applicable, in writing, not later than six months prior to the effective date of the institution of such charge.

(Ord. 767, passed 3-25-2004)

§ 43-1.07 ADJUSTING ANNUAL BUDGET.

The District shall include the necessary information in its annual budget to adjust the total delivered flow and/or total collected flow charge for each fiscal year as may be necessary to properly reflect the costs for collection, conveyance and treatment of the flows emanating from each satellite community or other non-individual legal entity owner in delivering “in bulk” flows to the District from non-combined sanitary sewer systems.

(Ord. 767, passed 3-25-2004)

§ 43-1.08 FAILURE TO PAY.

The failure of any such satellite community or other entity responsible for the sewage collection system to promptly remit (within 30 days after billing) the billed amount shall constitute a default and shall result in interest being added to the amount billed at the rate of 1.5% per month. If, after due notice of the assessment of interest on the unpaid amount, the amount billed, including interest remains unpaid for six months, the District shall double the billed amount. If, after one year after the original billing date, the billed amount and subsequently billed amounts are not paid, and, where applicable, the doubled amount plus interest at the same rate, the District shall have the right to disconnect the satellite community, or other legal entity owned system from the District collection system.

(Ord. 767, passed 3-25-2004)

§ 43-1.09 RECONNECTION.

If, after such disconnection, there is an application for reconnection, such request for reconnection shall be deemed to constitute not only a request for the connection of the common system, but for the individual connection of each individual building connected to the common system and the normal

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District composite connection charges, and composite connection charge surcharges, if applicable, for each individual customer of the satellite community or other entity shall become due and payable, unless evidence is presented to the District that a previous connection charge has been paid to the District by any individual user seeking connection to the District system. In addition thereto, before authorizing the common connection to the District collection system, the satellite community or other legal entity owning such system shall be required to deposit with the District one full year’s estimated collection, conveyance and treatment charges as a performance guarantee deposit. Said deposit shall be refunded without interest after one full year’s prompt payment of the total delivered flow and/or total collected flow charge.
(Ord. 767, passed 3-25-2004)

§ 43-1.10 UNAUTHORIZED CONNECTIONS.

Nothing herein contained shall authorize the connection of any storm or surface water collection system to the District collection system.
(Ord. 767, passed 3-25-2004)

CHAPTER 44: CONNECTION AND OCCUPANCY PERMITS - REVOCATION

2 Flagg Creek Water Reclamation District - Connection and Occupancy Permits - Revocation

CHAPTER 44: CONNECTION AND OCCUPANCY PERMITS - REVOCATION

Section

- 44-1.01 Recitations
- 44-1.02 List of all permittees
- 44-1.03 Notice of violation
- 44-1.04 Continuing studies
- 44-1.05 Failure to comply
- 44-1.06 Rule to show cause hearing
- 44-1.07 Hearing report
- 44-1.08 Board review; violations
- 44-1.09 Board discretion to grant additional time
- 44-1.10 Copy to accompany violation notice

§ 44-1.01 RECITATIONS.

The Board of Trustees hereby adopts the aforesaid recitations in this Ordinance 747 apart hereof. (Ord. 747, passed 1-23-2003)

§ 44-1.02 LIST OF ALL PERMITTEES.

From and after the effective date of this Ordinance 747, the District staff shall compile a listing of any and all permittees who are categorized under the particular regulations or other promulgations by any or all of the United States Environmental Protection Agency, the State Pollution Control Board, the Environmental Protection Agency and the District under its ordinance established rules and regulations or the courts as industrial users, whether based upon flow characteristics or total flow or under connection charge resolutions assessing composite connection charges under a connection charge resolution which also authorizes a specific type or volume of effluent discharge to the District system for such industrial user.

(Ord. 747, passed 1-23-2003)

§ 44-1.03 NOTICE OF VIOLATION.

(A) From and after the effective date of this Ordinance 747, such industrial users appearing to be in violation of any significant of such rules and/or regulations, connection charge resolutions or other promulgations and/or court decisions shall be served a written notice of violation of specifying the details

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of such alleged violation and shall be given a reasonable time, not to exceed 90 days, to ascertain if there is actually any violation and, if there is a violation, to eliminate the violation or seek such additional permits or authority from the District and any other concerned Agency.

(B) After the violation notice has been served and the alleged violation is found to be an actual violation, the connection permit shall be thenceforth be subject to revocation, provided that the violation is not thereafter cured and provided that the steps set forth below shall have been followed.

(Ord. 747, passed 1-23-2003)

§ 44-1.04 CONTINUING STUDIES.

The District Director is directed to make a continuing study of the progress of the actions of the alleged violator to remedy the alleged violations of the permit or such other alleged violations of the applicable rules, regulations, promulgations and/or court decisions.

(Ord. 747, passed 1-23-2003)

§ 44-1.05 FAILURE TO COMPLY.

If, at the end of said 90-day period, any such industrial user, upon whom or which such notice of violation shall have been served, shall not have commenced to fully comply with the aforesaid statutes, ordinances, rules and regulations and/or court decisions, the District shall enact an ordinance calling for a rule to show cause why the connection permit and occupancy permit should not be revoked hearing at the District board room on a date certain and shall appoint a hearing officer from one of the District staff or outside of the staff or itself or the Board of Local Improvements as a committee of the whole to serve as hearing officer. A certified copy of said ordinance shall be served upon the industrial user alleged to be in violation of the applicable rules, regulations, promulgations and court decisions by the District Inspector within five days after its enactment.

(Ord. 747, passed 1-23-2003)

§ 44-1.06 RULE TO SHOW CAUSE HEARING.

At the rule to show cause hearing, the industrial user's alleged violations of such statutes, ordinances, rules and regulations and court decisions shall be the topic, and the alleged violator shall be entitled to show any and all reasons why the alleged violator's connection permit should not be revoked. The alleged violator shall have the right to be represented by counsel and such experts as he, she or it may deem necessary. The executive in charge of the alleged violator's operations within the District shall be required to be in attendance and be subject to examination and must exhibit written authority of the entity to make any legal arrangement or commitment with the District which can be agreed upon at the hearing. The alleged violator shall put on his, her or its case first and the District shall follow with its case. The alleged violator shall have a rebuttal time, at the discretion of the District, as shall the District,

at the discretion of the District. The main purpose of the hearing is to gather facts. The application of the law shall be the at the sole determination of the Board of Trustees of the District.

(Ord. 747, passed 1-23-2003)

§ 44-1.07 HEARING REPORT.

(A) After the hearing has concluded, the hearing officer shall prepare a report of the proceedings, including the facts, and any documentation submitted, and shall include his or her recommendation. Such report shall be delivered individually to the District Trustees within ten days after the hearing with a copy to the alleged violator. The Trustees shall have at least 14 days to study the report and documents. The alleged violator shall have seven calendar days to make any response to the hearing officer's report. If the next regular meeting occurs before the end of the 14 days, the Trustees may defer the discussion on the matter to the next Board meeting or to a date certain.

(B) If the Board of Trustees or the Board of Local Improvements has conducted the hearing as a committee of the whole, the Board of Trustees may reconvene the regular meeting of the Board of Trustees and may make an immediate determination as a result of the ascertainment of facts at the hearing and direct the preparation of any ordinance containing such findings which it deems necessary. If such ordinance has been prepared in advance, and if the hearing is at a regular meeting of the Board, the Board may forthwith enact such ordinance as to it shall seem appropriate, including those set forth below. If not, the procedure in § 44-1.08 shall apply.

(Ord. 747, passed 1-23-2003)

§ 44-1.08 BOARD REVIEW; VIOLATIONS.

At the next meeting of the Board after the receipt of the hearing officer's report, where the hearing and report are officially considered, the alleged violator may appear, and, if permitted by the Board, may comment upon the discussion of the Board and the written recommendation of the hearing officer. The Board shall make a determination concerning the facts and whether or not a violation actually exists. If the Board determines that, on the basis of the facts, that there is a violation and the violation is so greatly to the disadvantage of the District and its system, the Board shall enact an ordinance revoking the connection permit and occupancy permit of the violator. Such ordinance may set forth the terms under which a new connection permit and occupancy permit may be issued and whether any credit for composite connection charges theretofor paid will be made or not and whether any privilege of "grandfathering in" any previous flow or the amount thereof shall be lost by the uncured violation as a result of the revocation of the connection permit and occupancy permit.

(Ord. 747, passed 1-23-2003)

§ 44-1.09 BOARD DISCRETION TO GRANT ADDITIONAL TIME.

The Board may grant the violator additional time to come into compliance before the revocation of such permits becomes effective, in its sole discretion, but not in excess of 180 days and such grant of

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additional time may be conditioned upon such terms as the Board determines. Failure to adhere to the time schedule in any respect shall authorize the revocation of the remaining of the 180 days and authorize the District to red-tag the building, cancel the occupancy permit and follow the disconnection procedures set forth in the Code of Laws.

(Ord. 747, passed 1-23-2003)

§ 44-1.10 COPY TO ACCOMPANY VIOLATION NOTICE.

At any time that the District sends a violation notice to an alleged violator, the District shall include a certified copy of this Ordinance 747.

(Ord. 747, passed 1-23-2003)

CHAPTER 45: PERMIT “PASS OUT” DOCUMENT REGULATIONS

2 Flagg Creek Water Reclamation District - Permit "Pass Out" Document Regulations

CHAPTER 45: PERMIT “PASS OUT” DOCUMENT REGULATIONS

Section

- 45-1.01 Amending provisions
- 45-1.02 Permit required
- 45-1.03 Overhead sewers; disconnection permits required for teardown
- 45-1.04 Street or roadway openings
- 45-1.05 Inspection required
- 45-1.06 Building service line work performance requirements
- 45-1.07 When rejected work may be in compliance
- 45-1.08 Overhead sewer installation
- 45-1.09 Sumps
- 45-1.10 Technical requirements for building and sewer lines
- 45-1.11 Ratification

§ 45-1.01 AMENDING PROVISIONS.

The Board of Trustees hereby accepts the request of the District staff and hereafter sets forth, as an ordinance of the District, the requirements heretofore found in diverse ordinances, and, where heretofore enacted ordinances are silent on the subject, enacting new provisions as set forth below.
(Ord. 804, passed 10-19-2006)

§ 45-1.02 PERMIT REQUIRED.

No sewer laying, drain laying, building service line laying or installation of a building drain or disconnection of any building connected to the District system shall be done within the District unless and until the District has issued a permit for such work and unless the person or entity doing the work has filed a bond with the District and such bond has been approved by the District as set forth below. In the case of a sewer extension serving in more than one building or structure or the connection sought to be made is of a building discharging in excess of 1,500 GPD, a permit is required from both the state’s Environmental Protection Agency and the District after review and approval of the plans and specifications.
(Ord. 804, passed 10-19-2006)

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§ 45-1.03 OVERHEAD SEWERS; DISCONNECTION PERMITS REQUIRED FOR TEARDOWN.

(A) Notwithstanding other regulations which may be less stringent, pursuant to the charge of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq., to prevent pollution, overhead sewers are hereby required to be installed in all new construction and in all situations involving a remodeling of a building where the cost of the remodeling exceeds 25% of the then current assessed valuation of the structure being remodeled.

(B) In the case of a teardown of an existing building or in the case of such remodeling, prior to disconnection from the main, at the street, or as otherwise directed by the District Inspector, a disconnection permit from the District is required and, prior to making such disconnection, the building line serving the existing building shall be televised to ascertain if the severance will disconnect any other building(s).

(Ord. 804, passed 10-19-2006)

§ 45-1.04 STREET OR ROADWAY OPENINGS.

All street or roadway openings shall be in full compliance with the applicable state, local municipality or county authority and be authorized under a street opening permit issued by such authority. Restoration of the street or roadway shall be as required by such authority.

(Ord. 804, passed 10-19-2006)

§ 45-1.05 INSPECTION REQUIRED.

The District requires inspection by the District Inspector of all underground sewer or drain work where the sewers or drains are, directly or indirectly, tributary to the District sewage collection system to determine compliance with the ordinances, resolutions, rules and regulations of the District and whether the work is approved by the District Inspector. The person or persons performing the work are required to give the District 24 hours notification time prior to the commencement of the work to make an appointment or appointments for the inspection of the work by the District Inspector. No underground work may be covered unless it has been inspected and approved by the District Inspector. If any such work is covered before inspection, the District Inspector has the right and duty to require it to be uncovered and inspected and it may not be covered unless it is found to be in compliance with the ordinances, resolutions, rules and regulations of the District and is approved by the District Inspector.

(Ord. 804, passed 10-19-2006)

§ 45-1.06 BUILDING SERVICE LINE WORK PERFORMANCE REQUIREMENTS.

Any and all building service line work performed as follows:

(A) Without the payment of the applicable composite connection charges or composite connection charge surcharges (where applicable) and issuance of a connection permit;

(B) By an un-bonded (to the District) contractor;

(C) Covered before inspection; and

(D) Which does not meet the requirements of the ordinances, resolutions, rules and regulations of the District, as determined by the District Inspector, shall be automatically rejected.

(Ord. 804, passed 10-19-2006)

§ 45-1.07 WHEN REJECTED WORK MAY BE IN COMPLIANCE.

Rejected work for the reasons set forth in § 45-2.06 may be accepted as in compliance with the ordinances, resolutions, rules and regulations of the District only if:

(A) Applicable composite connection charges or composite connection charge surcharges have been paid and the connection permit has been issued. (In cases where the IEPA regulation require that it issue a permit, the District shall not issue its permit until it is advised that the IEPA has issued its permit.);

(B) The person or persons performing the work (contractor) becomes bonded;

(C) The work, if covered, has been uncovered; and

(D) The work has been inspected and found to be in compliance with the ordinances, resolutions, rules and regulations of the District and is approved the District Inspector.

(Ord. 804, passed 10-19-2006)

§ 45-1.08 OVERHEAD SEWER INSTALLATION.

Notwithstanding regulations of other regulatory bodies which may be concerned with the subject, which may be less stringent than those of the District, pursuant to the charge of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq. (Pub. L. 92-500), to eliminate infiltration/inflow to prevent pollution, overhead sewers are hereby required to be installed in all new construction and in all situations involving a remodeling of a building where the cost of the remodeling exceeds 25% of the then current assessed valuation of the structure being remodeled, or where, for other reasons, it has become necessary to replace the building service line.

(Ord. 804, passed 10-19-2006)

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§ 45-1.09 SUMPS.

Notwithstanding regulations of other regulatory bodies, which may be concerned with the subject which may be less stringent than those of the District, pursuant to the charge of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq. (Pub. L. 92-500), to eliminate infiltration/inflow to prevent pollution, and, based upon the historical experience experienced by the District, the District requires that there is a ten-foot separation of footing tile sumps from wastewater ejector sumps. The Inspector shall have the authority to reject any work which does not adhere to the District sump separation requirements. Rejected work shall, upon written or other notice to the persons performing the work and the owner, be brought into compliance.

(Ord. 804, passed 10-19-2006)

§ 45-1.10 TECHNICAL REQUIREMENTS FOR BUILDING AND SEWER LINES.

The following technical and other requirements shall be applicable to all sewer line and building service line construction, connections to the District collection system and sump and ejector pit locations:

(A) *Class B bedding material.*

- (1) Number two torpedo sand, or grade eight stone;
- (2) Six inch minimum under pipe and one foot over, including the same material alongside the pipe; and
- (3) The specified materials must be well spaded in both sides of the pipe and carefully tamped so as not to dislodge or move the pipe.

(B) *Pipe size.*

- (1) Building drain: four inches from the exterior of the foundation wall to five feet outside of the foundation;
- (2) Building service lines: six inches from its connection with the building drain to the connection the public sewer; and
- (3) Sewer extension: per plans approved District and IEPA permit.

(C) *Materials.*

- (1) Building drain: PVC schedule 40, per applicable local code - ductile iron pipe installed in a double wall foundation;

(2) Building service line: PVC SDR 26 ASTM 3034 (PVC SDR 18 is preferred) - Where the building service line is beneath a porch or other semi-permanent structure or a concrete driveway: ductile iron pipe;

(3) Where sewer line is within 50 feet of a water well: PVC SDR 18, cast or ductile iron water main pipe, C 900 PVC or SDR 26 ASTM 2241;

(4) Connectors: all transition couplings (mission): non-shear type; and

(5) Sewer extension: per plans approved by District and IEPA permit, if applicable.

(D) *Laying, backfilling and connection requirements.* (The District permit must be on-site prior to commencement of any work. All work shall be done in a good and workpersonlike manner.)

(1) No underground work may be covered prior to approval by District Inspector;

(2) Building drain: must be installed to accommodate overhead sewers, but in no case less than two feet above the footing. Pipe must project at least five feet outside of foundation;

(3) Building service line: minimum slope 1% invert elevation at least two feet above the public sewer line and grade shall be as straight as possible;

(4) Connection to public sewer: connect to wye, as directed District Inspector. If no wye is available, tap into sewer with machine tap which makes a round hole to accept Geneco Sealite sewer pipe saddles, or equal (equality to be determined by District Inspector). Connection shall be located at either 10:00 or 2:00 position;

(5) Connection to any fittings necessary for turns and connection to building drain: mission coupling - non-shear type;

(6) The District permits a removable cap external clean out to be installed in the building service line as an option to (or in addition to) the internal cleanout within the internal plumbing system. It is suggested that such clean out is located as close as is practical to the building or structure; and

(7) Backfilling.

(a) Trenches shall be carefully backfilled with materials approved by the Inspector for backfilling, consisting of earth, loam, sandy clay, sand and gravel, soft shale or other, which is free from frozen earth, large clods of earth or stones larger than one-inch in diameter, deposited in six-inch layers, and thoroughly and carefully tamped, taking care to avoid contact between the pipe and compaction equipment until the pipe has a cover of not less than one foot.

(b) The remainder of the backfill shall be placed in the trench in layers not exceeding six inches and thoroughly tamped.

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(c) Trenches in public roadways shall be excavated, backfilled and compacted, typically with CA 6 or CA 7; however, in any event, in accordance with the standards specified in the most stringent requirements of the state, county or municipality in which the work is situated, but not less stringent than those set forth in *Standard Specification for Water and Sewer Main Construction in Illinois* (most current edition).

(E) *District inspection required.*

(1) Twenty-four hour notice (personal or telephonic) to the District is required to make an appointment for inspection. Less than 24 hours will require an additional \$50 inspection surcharge, if an Inspector can be arranged on short notice. One inspection is included in the connection and/or sewer extension permit cost. Additional inspections required shall be at the rate of \$150 per additional inspection required.

(2) No sewer or building service line excavation may be filled in prior to inspection and approval by Inspector.

(3) The failure to call the Inspector and/or covering the work before Inspector approves the work shall result an automatic rejection work and obligate the contractor to uncover the work to enable upon direction of the District Inspector.

(4) The District Inspector shall have the right and duty to require the uncovering of any underground construction which has been covered without inspection. After inspection and passage, the Inspector shall order backfilling and restoration. If the work is not approved, the Inspector shall direct remedial work which will be acceptable to the District.

(5) After approval, the District Inspector shall take possession of the connection permit and return the same to the District office.

(6) At any time, in the discretion of the Inspector, the District may order the contractor to obtain a narrated calibrated video of the interior of any sewer line or building service line which is in question.

(F) *Sump pumps and ejector pumps.*

(1) No sump pump system which collects and pumps storm water shall be connected to any pipe or channel which is connected, directly or indirectly, to the District sanitary sewer system.

(2) If there is a sewage ejector pump system installed, such system shall pump directly into the building's or structure's sanitary waste system.

(3) There shall be no direct or indirect connection (pipe or channel) between storm water sumps and ejector pump system sumps.

(4) To prevent infiltration/inflow pollution caused by excess storm water flooding from the storm water sump over the floor and entering the ejector pump system sump, or, in the event of failure of the ejector pump, sewage flooding from the ejector pump system sump into the storm water sump and being pumped to ground, the District requires a separation between such sumps of not less than ten feet.

(G) *Sewer extensions.*

(1) All sewer extensions shall require plans and specifications to be submitted to the District for approval. If the extension will serve more than one building or in excess of 15.0 population equivalents, the approval of the state’s Environmental Protection Agency shall be required. The District has incorporated by reference the standard specification for water and sewer main in the state, the requirements of which govern construction and testing.

(2) After permits are issued, the work shall, in full accordance with the approved plan and issued permit, subject to the provisions incorporated herein.

(H) *Sewer installations.* The provisions of the *Standard Specifications for Water and Sewer Main Construction in Illinois*, set forth in Chapters 34 (most current edition), shall be applicable to construction details, specifically including line and grade and pipe laying.

(I) *Manholes.* The following shall apply to situations where one or more manhole(s) is required:

(1) A manhole is required to be installed in the building service line upon the parcel upon which a commercial structure or building is located between the building or structure and the public sewer. Manholes specified in sewer extensions shall be of the size and type called for in the plans approved by the District and/or the IEPA.

(2) Manhole details, unless otherwise described in such approved plans:

(a) Only precast booted manholes shall be installed;

(b) All manholes shall be equipped with an internal chimney seal ASTM C-923;

(c) The external surface of all manholes shall be coated with ASTM C-877 waterproofing;

(d) The base of the manhole shall be formed to aid the flow of the wastewater through the system and dish type flow line bases shall be prohibited; and

(e) Manhole covers shall be of the concealed pick hole type, the words “sanitary sewer” cast into the top.

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(J) *Testing of sewer extensions.* Chapter 31 of *Specifications for Water and Sewer Main Construction in Illinois* (most current edition) relating to testing is incorporated herein, as set forth therein and shall include:

- (1) Exfiltration of air under pressure;
- (2) Infiltration of water;
- (3) Exfiltration of water;
- (4) Deflection for flexible thermoplastic pipe; and
- (5) Televising (at the discretion of the District Inspector).

(K) *Restoration (only after District Inspector approval of the underground installation).* The contractor shall restore the surface of streets in accordance with the requirements of the concerned agency or municipality and other public lands and non-owned private lands to the condition which they were in prior to commencement of the work.

(Ord. 804, passed 10-19-2006)

§ 45-1.11 RATIFICATION.

To the extent that there are no changes from the provisions heretofore enacted by the District, those provisions are ratified and confirmed. To the extent that there were no equal provisions or the existing provisions have been modified, such provisions hereof shall become an automatic addition or modification of the Code of Laws, as the case may be.

(Ord. 804, passed 10-19-2006)

CHAPTER 46: INFLOW AND INFILTRATION RESTRICTIONS

CHAPTER 46: INFLOW AND INFILTRATION RESTRICTIONS

Section

46-1.01	Discharge prohibited
46-1.02	Maintenance and operation of building sanitary service
46-1.03	Downspouts or roof drains; sump pump connection
46-1.04	Private channels conveying water or filth prohibited
46-1.05	Visual inspections
46-1.06	Other inspections
46-1.07	Notice of entrance
46-1.08	Notice of violation
46-1.09	NOV requirements
46-1.10	Pre-enforcement conference
46-1.11	Conduct of conference
46-1.12	No agreement
46-1.13	Show cause proceedings
46-1.14	Administrative enforcement remedies
46-1.15	Other legal actions

§ 46-1.01 DISCHARGE PROHIBITED.

No person shall discharge, or cause to be discharged, into the sanitary sewer system any storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas, cistern overflow or water from air-conditioning systems, industrial cooling operations or any flows other than wastewater.

(Ord. 868, passed 9-26-2014)

§ 46-1.02 MAINTENANCE AND OPERATION OF BUILDING SANITARY SERVICE.

The proper maintenance and operation of a building sanitary service to and including the point of connection (such as wye, tee or break-in connection) to the public sanitary sewer shall be the responsibility of the owner of the premises served by said building sanitary service. *MAINTENANCE* means keeping the building sanitary service in satisfactory working condition and a good state of repair (including, but not limited to, preventing any obstruction or extraneous material or flows from entering said facilities, protecting said facilities from any damage and keeping the same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sanitary sewer facilities are, at all times, capable of satisfactorily performing the services and adequately

discharging the functions and producing the final results and purposes said facilities are intended to perform, discharge or produce. The District may, in its sole discretion, make repairs to any portion of a building sanitary service located within a public right-of-way or public easement which is found during District investigations to allow the entry of extraneous materials or flows into the public sanitary sewer or to pose a health or safety hazard to the general public and the District may seek reimbursement for the costs of any such repairs from the owner of the premises served by said building sanitary service. (Ord. 868, passed 9-26-2014)

§ 46-1.03 DOWNSPOUTS OR ROOF DRAINS; SUMP PUMP CONNECTION.

All downspouts or roof drains shall discharge onto the ground or be connected to storm sewers, drainage ditches or storm drainage systems. Footing drains shall be connected to sump pumps and discharge shall be made into storm sewers, drainage ditches or storm drainage systems. Sump pumps installed to receive and discharge ground waters or other storm water shall be connected to storm sewer, or discharge onto the ground or into a drainage ditch or storm drainage system through a rigid discharge pipe, without any valving or quick connections for altering the path of the discharge. Sump pumps installed to receive and discharge floor drain flow, laundry tubs or other wastewater shall be connected to the sanitary sewers pursuant to this Ordinance 868. A sump pump shall be used for one function only, either the discharge of storm waters or the discharge of wastewater. (Ord. 868, passed 9-26-2014)

§ 46-1.04 PRIVATE CHANNELS CONVEYING WATER OR FILTH PROHIBITED.

No private building cesspool, underground drain, privy, privy vault or any other channel conveying water or fifth shall be connected to any sanitary sewer. (Ord. 868, passed 9-26-2014)

§ 46-1.05 VISUAL INSPECTIONS.

The District may cause to be made periodic visual outside inspections of all properties within the District, with specific attention to downspouts, roof drains and other visible or outside connections and shall request the property owner or property occupant to permit entry into the premises for the making of additional inspection of the premises to ascertain if illegal connections are present. Upon completion of the visual outside and inside inspection, the property owner will be advised, in writing, if any illegal connections are observed, and further will be advised on the matter of corrections for compliance with the provisions of this Ordinance 868. If corrections are to be made, the District will make further inspection of the corrections to ensure compliance with this Ordinance 868. (Ord. 868, passed 9-26-2014)

§ 46-1.06 OTHER INSPECTIONS.

In addition to visual inspections on the outside and inside of the premises, the District may make other lawful tests and inspections of the sanitary sewer system as it deems necessary in order to locate such illegal connections and sources of extraneous flows as may exist.

(Ord. 868, passed 9-26-2014)

§ 46-1.07 NOTICE OF ENTRANCE.

If entrance to property is denied an employee or agent of the District, the District shall serve notice requiring, within a period of 30 days, a written affidavit by a licensed professional engineer that the sanitary sewer system of the subject property complies in all respects to the requirements and specifications of this Ordinance 868 and that no storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas, cistern overflow or water from air-conditioning systems, industrial cooling operations or any flows other than wastewater are discharged into the sanitary sewer system from the subject property. In the event the property owner fails to provide the aforementioned affidavit within 30 days, and continues to deny entrance to the property, such failure to provide entrance or the aforementioned affidavit will be deemed a violation of this Ordinance 868. A notice of violation (“NOV”) will be issued, and sent to the owner via regular and certified mail.

(Ord. 868, passed 9-26-2014)

§ 46-1.08 NOTICE OF VIOLATION.

If a property owner fails to make corrections specified by the District in order for the property owner to come into compliance with this Ordinance 868, or if a property owner otherwise is in violation of this Ordinance 868, a notice of violation (“NOV”) will be issued, and sent to the owner via regular and certified mail.

(Ord. 868, passed 9-26-2014)

§ 46-1.09 NOV REQUIREMENTS.

The NOV shall be in writing and include a statement of reason(s) for its issuance.

(Ord. 868, passed 9-26-2014)

§ 46-1.10 PRE-ENFORCEMENT CONFERENCE.

(A) Upon determination that a violation has occurred, or upon discovery, that an alleged violation has probably occurred, or that the users permit should be revoked, a notice of the violation is prepared and sent to the user by mail.

(B) The notice of violation (“NOV”) shall be in writing, and include a statement of the reason(s) for its issuance.

(C) If a violation or potential violation has not been cured within the time limit set forth in the initial notice, then a conference date may be established. The user and any other appropriate entities may be notified of the conference date by mail which said notice requires the user to appear at a scheduled pre-enforcement conference which describes the potential violation in sufficient detail for the user to begin abatement action; and which sets forth the time, date and place of the conference.

(D) The Executive Director may grant continuances on conference dates for good cause shown.

(E) The term *USER* is defined as the owner of the real estate, the occupant thereof and/or the user of the service. In addition, the District may wish to join lessees, lien holders, mortgage lenders or other persons with an appropriate interest in the subject premises and whose rights in the premises may be affected by continued enforcement proceedings by the District.

(Ord. 868, passed 9-26-2014)

§ 46-1.11 CONDUCT OF CONFERENCE.

(A) The pre-enforcement conference shall be conducted by the Executive Director, or his or her designee.

(B) At the conference, the violation shall be explained in sufficient detail for parties to understand the nature of the violation and to begin abatement actions.

(C) No formal evidentiary rules shall apply, and the proceedings will not be transcribed. The purpose of the pre-enforcement conference is an attempt to gain voluntary compliance with the District’s ordinances.

(D) Within five working days following the pre-enforcement conference a letter shall be issued by the conference officer indicating the results of the conference, and further indicating a plan for abatement of a violation, and a schedule for compliance. The letter may also establish dates for future meetings as necessary, to monitor progress with compliance.

(Ord. 868, passed 9-26-2014)

§ 46-1.12 NO AGREEMENT.

(A) If, during the pre-enforcement conference, the parties are unable to agree upon the nature of compliance or the schedule of compliance, the conference officer may recommend that the user be required to show cause why its permit should not be revoked, and/or its discharge into the public sanitary sewer system should not be disconnected and prohibited, and such further and other action as is deemed appropriate.

(B) The pre-enforcement conference is a process optional at the discretion of the District. The District may, in its discretion, bypass the pre-enforcement conference or terminate the conference at any time after it has been instituted and in substitution therefor may institute a show cause hearing procedure or institute a court proceeding for fine and/or injunction whenever the District determines that is in the best interests of the District to so proceed.

(Ord. 868, passed 9-26-2014)

§ 46-1.13 SHOW CAUSE PROCEEDINGS.

(A) When it has been determined that any person has failed to comply with this Ordinance 868, the Executive Director of the District may order anyone who engages in activity or conduct prohibited by this Ordinance 868 to show cause before the District's Board of Trustees ("Board"), or its Hearing Officer designee, why such prohibited activity or conduct should not be discontinued, and/or its permit should not be revoked, and all wastewater discharge subject to, or covered by, a revoked permit shall not be immediately ceased.

(B) A notice of show cause, directed to the user or an authorized agent of the user, is served personally or by certified mail, specifying the time and place of a hearing to be held by the Board, and directing the user to show cause before the Board why an order should not be entered directing discontinuance of such prohibited activity or conduct.

(C) The Board may, itself, conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the District or any other person to issue, in the name of the Board, notices of hearings requesting attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, to take evidence and to transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of action thereon. At any public hearing, testimony taken before the Board or any person designated by it must be under oath and recorded stenographically or electronically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) After the Board has reviewed the evidence, it may issue an order to the user directing that, within a specified time period, the user allow access to the property for inspection purposes, the user make corrections specified by the District in order for the user to come into compliance with this Ordinance 868, or if a user otherwise is in violation of this Ordinance 868, recommending penalties in the amount of not less than \$100 nor more than \$10,000 for each violation of the Ordinance 868. In addition to such fines and penalties, any I/I resulting from (a) violation(s) of any provision or section of this Ordinance 868 shall result in the imposition of a service charge to the responsible owner(s) or user(s). In addition, the responsible person or user shall be responsible for payment of any fine levied by the Illinois Environmental Protection Agency against the FCWRD as a result of I/I to the FCWRD wastewater collection system, or NPDES permit discharge violations attributable to the person or user violation(s) of any provision or section of this Ordinance 868. Any orders shall contain specific findings of fact and recommendations for corrective action.

(E) In cases where a determination has been made that a violation has occurred, the Hearing Officer may assess the costs of enforcement as part of the recommendations. These costs may include, but shall not be limited to, Hearing Officer's fees, costs of recordation of the proceedings, expert witness fees, costs of mailing, personal service charges and any testing or flow monitoring charges.

(F) If a person violates the terms of a Board order, in addition to all other remedies granted to it herein, the FCWRD shall have the right to discontinue sewer service. The FCWRD shall have the right to plug or disconnect the sanitary sewer at any point in the building sanitary service whenever any person shall be shown to have violated the terms of a Board order, including the failure to pay fines, penalties, fees and costs. If any fines, penalties, fees or costs imposed by a Board order remain unpaid for more than 30 days, in addition to all other remedies, the FCWRD may file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of 1.5% per month from the date of original billing.

(G) This enforcement procedure is hereby made expressly subject to the Administrative Review Act of the state, as set forth in 735 ILCS 5/3-101 et seq., as amended.

(H) In the event that a user engages in any activity or conduct which is in violation of or prohibited by this Ordinance 868, and which gives rise to hazardous or emergency conditions, without first engaging in pre-enforcement proceedings or show cause proceedings, the District may commence an action or proceeding in the circuit court for the purpose of having such activity or conduct stopped either by mandamus, injunction or other extraordinary remedy.

(Ord. 868, passed 9-26-2014)

§ 46-1.14 ADMINISTRATIVE ENFORCEMENT REMEDIES.

When the Flagg Creek Water Reclamation District ("FCWRD") finds a user has violated (or continues to violate) any provision of Ordinance 868, the FCWRD may assess the costs against that user, in addition to any other cumulative fines and penalties, as follows:

(A) Permit revocation letter: \$25;

(B) Pre-enforcement conference: \$50;

(C) Show cause hearing: \$100; and

(D) Process server (for divisions (B) and (C) above): actual costs.

(Ord. 868, passed 9-26-2014)

§ 46-1.15 OTHER LEGAL ACTIONS.

The District, at its option, may also invoke other legal powers vested in it or implied by the Illinois Compiled Statutes for the protection of the health and welfare of the public, and institute such legal

action as it deems necessary to discover and order the disconnection of any legal connections that may exist. The District shall commence action to terminate sanitary sewer service to the property remaining in non-compliance. The District may assess against the user all costs to terminate sanitary service to the property, as well as all costs to re-establish service.

(Ord. 868, passed 9-26-2014)

CHAPTER 47: SEASONAL IRRIGATION CAP PROGRAM

CHAPTER 47: SEASONAL IRRIGATION CAP PROGRAM

Section

- 47-1.01 Recitations
- 47-1.02 Summer rate program established
- 47-1.03 Reduction in user charge bill
- 47-1.04 Eligibility
- 47-1.05 Seasonal cap period
- 47-1.06 Charges
- 47-1.07 Example of application
- 47-1.08 Restrictions

§ 47-1.01 RECITATIONS.

The recitations of this Ordinance 844 are incorporated herein as part of this chapter.
(Ord. 844, passed 1-28-2021)

§ 47-1.02 SUMMER RATE PROGRAM ESTABLISHED.

The District hereby establishes its summer rate program.
(Ord. 844, passed 1-28-2021)

§ 47-1.03 REDUCTION IN USER CHARGE BILL.

The summer rate program will allow only qualifying residential users to receive a reduction in their user charge bill.
(Ord. 844, passed 1-28-2021)

§ 47-1.04 ELIGIBILITY.

To be eligible for the program, residential users must complete either a paper or an electronic seasonal irrigation cap program application. To be eligible to participate in the program, applications must be submitted by June 15. A one-time application fee of \$20 is required for administrative set up of the program. The application fee will be added as a line item to the residential user's utility billing statement. This program automatically renews every year, until the residential user either notifies the

Flagg Creek Water Reclamation District - Seasonal Irrigation Cap Program

District of termination or the resident vacates the applicable residential property. The annual renewal fee will be added at a reduced rate of \$10, as a line item to the residential user's utility billing statement. (Ord. 844, passed 1-28-2021)

§ 47-1.05 SEASONAL CAP PERIOD.

The seasonal cap period is a period of four consecutive months between May 1 and November 30, and the four-month period will be chosen by the District to represent the residential user's best interests. The exact period of the cap will depend upon the water meter reading cycle of the village involved because not all villages issue bills for the same time period. The District will determine the proper seasonal period to be applied that will most closely conform to the residential user's highest consecutive four-month period of water meter usage.

(Ord. 844, passed 1-28-2021)

§ 47-1.06 CHARGES.

Qualifying users will be charged up to a maximum level based on the greater of 10,000 gallons per month (approximate average usage), or the average usage during the non-seasonal period multiplied by a capping multiplier. Any usage above that maximum level will not be assessed additional sewer user charges. The cap multiplier is established at 1.5. The cap multiplier may be altered by the District.

(Ord. 844, passed 1-28-2021)

§ 47-1.07 EXAMPLE OF APPLICATION.

An example of the application of the seasonal irrigation cap is as follows:

Non-seasonal average daily water usage:	30,000 gallons
Cap multiplier:	<u>x 1.5</u>
Seasonal period maximum daily charged water usage:	45,000 gallons

(Ord. 844, passed 1-28-2021)

§ 47-1.08 RESTRICTIONS.

The District's seasonal irrigation cap program is subject to the following restrictions.

(A) The program is available only to residential properties. Commercial properties are not eligible to participate. Users whose accounts are delinquent cannot participate in the program until the delinquent balance has been satisfied.

(B) The user must have occupied the premises using water and sewer service for which there are actual, not estimated, water meter readings for each of the eight non-seasonal period months. In the event that this criterion has not been met, the non-seasonal average will be made based on total annual usage.

(C) The monthly fixed sewer service availability fee will be charged for all months and is not subject to a cap or reduction. The cap only affects the variable rates charged by the District, which are the sewer service fee and user fee.

(D) If a user is allowed to participate in the program, any swimming pool or similar device must not be emptied to the sanitary sewer system of the District.

(E) There must be at least 12 months of usage data available for a user to participate in the program. (Ord. 844, passed 1-28-2021)

CHAPTER 48: COLLECTION SYSTEM - RECAPTURE

CHAPTER 48: COLLECTION SYSTEM - RECAPTURE

Section

- 48-1.01 Recitations
 - 48-1.02 Infrastructure construction - replacement plan
 - 48-1.03 Recapture circumstances
 - 48-1.04 Assessment of direct benefit cost
 - 48-1.05 Costs assessed to other properties
 - 48-1.06 Recapture process
 - 48-1.07 Review of plans and specifications
 - 48-1.08 Director revisions
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 - 48-1.10 Payments
 - 48-1.11 Reallocation of the recapture amount
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 - 48-1.13 Cost of recapture
 - 48-1.14 Connecting parcels
 - 48-1.15 System Capacity Relief Fund
 - 48-1.16 Simple interest
 - 48-1.17 Staff errors
 - 48-2.01 Recapture of capital investment
- Appendix A - Charts

§ 48-1.01 RECITATIONS.

The Board of Trustees of the District hereby adopts the recitations in this Ordinance 755 set forth as a part of this section.

(Ord. 755, passed 5-22-2003)

§ 48-1.02 INFRASTRUCTURE CONSTRUCTION - REPLACEMENT PLAN.

The Board hereby directs the District Director to commence an analysis of waste collection infrastructure of the District to the end that the District shall have an “infrastructure construction - replacement plan”. The study shall be commenced at the most likely location for development in the short-term, at the periphery of the District’s interceptor system, for the purpose of determining the possible lateral and interceptor sizing for potential interceptor extensions and replacements, including those which would permit the District to remove or supplant existing sewer lines, lift stations or other

special facilities. The Director shall expand the study to include additional areas as the result of a specific application for authority to install a particular sewer line. As the work is completed in stages, the Director shall create a system of mylar overlays depicting the result of such analyses, which are compatible with the District's existing quarter section sewer plats, the cost of which shall ultimately be billed to and paid by the recapture applicants seeking a recapture in the depicted area. As each phase of the study and analysis is completed, the Director shall present such phase thereof to the Board for its adoption and incorporation into the infrastructure construction - replacement plan. Such sizing on the adopted plan for the proposed waste collection infrastructure construction - replacements shall govern the sizing of any such waste collection infrastructure construction - replacements before any infrastructure improvement will be considered eligible for participation in a recapture.

(Ord. 755, passed 5-22-2003)

§ 48-1.03 RECAPTURE CIRCUMSTANCES.

This Ordinance 755 hereby establishes the circumstances where a recapture of that portion of the cost of any qualifying waste collection infrastructure improvement over and above the Direct benefit costs assessable to the applicant/owner/developer's parcel which benefits persons or entities other than the applicant/owner/developer of a parcel of real estate.

(Ord. 755, passed 5-22-2003)

§ 48-1.04 ASSESSMENT OF DIRECT BENEFIT COST.

The determination of the direct cost benefits assessable to the applicant/owner/developer's parcel shall be determined with reference to the assessment of direct benefit costs chart, based upon the format set forth at the end of this chapter, to be prepared as set forth in the application form incorporated herein by reference. There shall be no assessment of costs to other parcels if the full "mean flow" of the improvement is allocated to the applicant/owner/developer's parcel.

<i>Assessment of Direct Benefit Costs</i>				
Acreage of subject parcel	Pipe size	Mean flow in GPDPA	Expected flow from subject parcel based on proposed development	Percentage allocation to other parcels

(Ord. 755, passed 5-22-2003)

§ 48-1.05 COSTS ASSESSED TO OTHER PROPERTIES.

The costs to be assessed to other properties benefitting by the improvement and recoverable under any recapture agreement for a required increase in pipe size to a size greater than eight inches in diameter, resulting from the District's infrastructure construction - replacement plan requiring a sewer sized in excess of the sewer size which is required by the development of the applicant/

owner/developer's parcel shall be determined by the additional incremental costs attributable to the increase in pipe size, as determined by the District, based upon bid cost information provided to the District by reference to the chart set forth in Appendix A (or such similar charts as they are hereafter updated to reflect inflation or other cost increases).

(Ord. 755, passed 5-22-2003)

§ 48-1.06 RECAPTURE PROCESS.

If an applicant/owner/developer of real estate desires to participate in a recapture of funds which are to be expended for waste collection infrastructure construction - improvements, and provided that the estimated cost of the improvement would exceed \$25,000, the developer shall proceed as follows:

(A) Ascertain from the District whether the required sewer work falls within an area for which the work has been completed for the infrastructure construction - replacement plan and the infrastructure sizing which the District will require for participation in a recapture of costs, and, if not, make a written request to the District to study the area of concern;

(B) Ascertain from the District whether the proposed improvement if sized as planned would be in conformity with the sizing set forth on the approved infrastructure construction - replacement plan, if any, and, if based upon the parameters set forth in any such plan, or if there is none, in the estimation of the District Director, it appears that at least 50% of the capacity would benefit lands owned by others, said percentage to be based upon anticipated flows emanating from the real estate controlled by the applicant/owner/developer when compared to the estimated mean daily flow for such proposed improvement;

(C) Ascertain from the District Director the applicable plan review charge and recapture initiation fee for the proposed project;

(D) Retain a state registered professional engineer for the preparation of the plans and specifications for the improvements. Require that such engineer meet with the District staff in order to assure that the plans and specifications for the proposed addition to the District collection system which are to be prepared will meet the requirements of the District and are consistent with the District's infrastructure construction - replacement plan for the concerned area. At such engineer's request, the District shall deliver to such engineer the District's written requirements for such proposed improvement together with an application for recapture project approval;

(E) After the plans and specifications are completed, the owner/developer/applicant shall deliver such plans and specifications together with the plan review charge and recapture permit application and recapture initiation fee in the amount of the greater of \$2,500 and 3% of the estimated cost of the improvement to the District for review by the District together with the application for project approval (or project approval theretofore issued) by the State Environmental Protection Agency; and

(F) The application for recapture shall be on the District form and shall be accompanied by the following information:

(1) The cost estimate for the improvement certified to by the engineer who prepared such plans;

(2) A working copy of a plat depiction of the lands which would be benefitted by the improvement which are both owned by the owner/applicant/developer and others. Such depiction shall, at the minimum, be prepared on Sidwell Studio quarter section maps in a form which shall, after final approval by the District, be susceptible of being reproduced on mylar film in full quarter section size for binding into the District Sidwell Studio plat book and shall include the following:

(a) All parcel sizes, including lot dimensions, area in acres or decimal fractions thereof and permanent index numbers from the most current information available from the DuPage County Treasurer's office for the parcels to be served by the proposed waste collection infrastructure construction - replacements; and

(b) The depiction shall contain the applicant's engineer's estimate of the basic spread of costs over the lands to be benefitted by the improvement by acreage calculation, including those of the owner/applicant/developer. The estimate shall be based upon the total acreage of all parcels which will be benefitted by the proposed waste collection infrastructure construction - replacements. The ratio created by the division of the total acreage owned by the developer by the total acreage shall be applied to the total cost applicable to the applicants parcel. Similarly, a ratio shall be created for each benefitted parcel and shall be determined and assigned in the same manner. A type written or laser printed list of permanent index numbers and the proposed assignment of acreage recapture shall be included for inclusion as an exhibit to the recapture ordinance.

(3) The manner in which the developer will finance or has financed (including cash payment already made) the improvement.
(Ord. 755, passed 5-22-2003)

§ 48-1.07 REVIEW OF PLANS AND SPECIFICATIONS.

(A) The Director shall review the plans and specifications to determine if the routing, sizing and location in a public right-of-way or dedicated easement to the District for the sewer line represents a proper execution of the District's infrastructure construction - replacement plan for the general area where the sewer line will be located and for the accuracy and correctness of the basic spread of the costs resulting in the allocation of the financial aspects of the recapture, the owner/applicant/developer's manner of financing the improvement and determine whether and on what terms, if any, the District might approve the recapture. The Director may consult with such experts as he or she deems required to verify the accuracy of the proposed costs and the allocation of the spread of the costs.

(B) If the application is properly completed and the plans and specifications are approved by the District Director, the owner/developer/applicant shall be so informed. In the event that there are requirements yet to be met, the owner/developer/applicant shall be so advised and, if and when the application is approved by the District Director, the owner/developer/applicant shall be so informed.

(C) To the extent practical under the circumstances which exist in any particular application, the District Director may waive such portions of the above as may under the particular circumstance not be required for District purposes.
(Ord. 755, passed 5-22-2003)

§ 48-1.08 DIRECTOR REVISIONS.

The Director shall advise the owner/applicant/developer if any, and/or what, additional information and/or what changes shall be required to the working copy of the depiction. At such time as the District (by the Director as the District's representative) and the developer agree that the parcels to be potentially benefitted and the basic spread of the costs, such basic spread of the costs shall be delineated on the current Sidwell Studio plat book pages and a final mylar thereof shall be prepared for the Districts records with a letter sized duplicate for attachment to the District ordinance establishing the recapture for recording. The District will supply an appropriate reduction thereof and cover sheet to be attached to the ordinance for recapture prior to its recording in the office of the Recorder of Deeds of DuPage County.
(Ord. 755, passed 5-22-2003)

§ 48-1.09 ORDINANCE REQUIREMENTS.

The District shall have District Counsel prepare an ordinance specifying a five-year life to such recapture agreement which shall embody the following:

(A) Recapture terms agreed upon between the owner/applicant/developer (recapture participant) and the District;

(B) The total amount subject to recapture, not including any portion of the cost allocated to the owner/applicant/developer's parcel;

(C) By incorporation by reference to the mylar and list the allocation of the amounts of the basic spread of the costs to be recaptured from non-participating parcels by the recapture participant;

(D) Specifying the terms of the recapture, including the timing on the payment of any recapture amount to the recapture participant;

(E) Specifying the termination date of the recapture, not to exceed five years from the date of the enactment of the recapture ordinance;

(F) Specifying that if an application is made for connection or extension for other than single-family zoned property where the intensity of use of the newly proposed parcel seeking to connect to the improvement exceeds District's annually declared equivalent family home unit (EQH), the District shall impose a recapture charge based upon permitted flow in accord with the discharge limit established by the Code of Laws;

(G) Referring to the owner/applicant/developer after the recapture ordinance is enacted as the recapture participant; and

(H) Specifying that simple interest at the rate of 6% per annum shall be added to the recapture amount and shall be paid to the recapture participant or the District as is set forth above.

(Ord. 755, passed 5-22-2003)

§ 48-1.10 PAYMENTS.

No recapture agreement payments received by the District after the expiration of five years after the date of the enactment of the recapture ordinance shall be made to the recapture participant. Such payments shall be deposited in the Infrastructure Improvement Fund. Recapture payments to the recapture participant shall cease after the full reimbursement to the recapture participant of the excess cost over the participants share.

(Ord. 755, passed 5-22-2003)

§ 48-1.11 REALLOCATION OF THE RECAPTURE AMOUNT.

If any recapture agreement payment parcel is divided into sub parcels, at the time that there is a payment, the District shall make a reallocation of the recapture amount to its satisfaction and shall deduct from the first recapture payment thereafter received the cost to the District of making such allocation.

(Ord. 755, passed 5-22-2003)

§ 48-1.12 SUBDIVISION PLAT.

When any recapture agreement payment parcel is divided into sub parcels, the District shall not approve the subdivision plat unless and until the full recapture amount for the parcel as originally constituted based upon acreage shall be paid. In the event that there is a division without a formal subdivision plat being required, the District shall collect the full recapture amount from the first portion of such parcel to request a connection permit.

(Ord. 755, passed 5-22-2003)

§ 48-1.13 COST OF RECAPTURE.

In any case where the District is required by circumstances to expend time and funds to make a reallocation, the District shall deduct from the recapture payment its costs for making such reallocation, but not less than \$100 per additional parcel to which an allocation is made.

(Ord. 755, passed 5-22-2003)

§ 48-1.14 CONNECTING PARCELS.

If the District requires the owner/applicant/developer of another parcel which would otherwise connect to a parcel subject to a recapture agreement and which parcel is delineated on such mylar and in the list incorporated by reference into a recapture ordinance, to install a waste collection infrastructure construction - replacement facility in conformity with the District's infrastructure construction replacement plan to serve solely such parcel, such parcel shall be excused from recapture payment only if no portion of such parcel connects to the infrastructure installed for which the recapture procedure was enacted, otherwise, such parcel remain subject to such recapture ordinance.

(Ord. 755, passed 5-22-2003)

§ 48-1.15 SYSTEM CAPACITY RELIEF FUND.

The District shall continue to collect the delineated amounts specified in the recapture ordinance after the recapture agreement has expired, however, such funds shall be deposited in the District's System Capacity Relief Fund, to be expended as is determined by the Board of Trustees.

(Ord. 755, passed 5-22-2003)

§ 48-1.16 SIMPLE INTEREST.

All recapture ordinances shall provide for the payment of simple interest at the rate of 6% per annum to be added to the recapture amount and to be paid to the recapture participant or the District as is set forth above.

(Ord. 755, passed 5-22-2003)

§ 48-1.17 STAFF ERRORS.

Neither the District nor any District staff person shall have any responsibility for staff errors resulting in the failure to collect any recapture payment or to remit same to the recapture participant.

(Ord. 755, passed 5-22-2003)

§ 48-2.01 RECAPTURE OF CAPITAL INVESTMENT.

The following table lists ordinances involving specific recaptures of capital investment:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
499	11-8-1979	Recapture of capital investment by A. Eggert for sewer improvement known as 55th Street and Western, sewer extension

Flagg Creek Water Reclamation District - Collection System - Recapture

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
502	2-13-1980	Amends Ordinance 499; providing for the recapture of capital investment for sewer improvement known as 55th Street and Western, sewer extension
513	6-12-1980	Recapture of capital investment by District and third-party through additional connection charges for the sewer improvement known as John Stein Sewer Extension on Western Avenue, south of 63rd Street
514	6-26-1980	Recapture of capital investment by District through additional connection charges for the sewer improvement known as the 56th Street, west of Wilmette Avenue, sewer extension
558	8-27-1981	Recapture of capital investment for sewer improvements known as Hunt Club Lane, Oak Brook, sewer extension
559	9-24-1981	Recapture of capital investment for sewer improvements known as Adams Road, Oak Brook, sewer extension
574	7-8-1982	Recapture of capital investment for sewer improvements known as 65th Street, Willowbrook, sewer extension
584	11-18-1982	Recapture of capital investment for sewer improvements known as 57th Street, east of Madison Street, Hinsdale, sewer extension
586	12-9-1982	Recapture of capital investment for sewer improvements known as 57th Street, east of Madison Street, Hinsdale, sewer extension
606	2-9-1984	Recapture of capital investment for sewer improvements known as Oakmont Centre Unit II, Westmont, sewer extension
613	7-12-1984	Recapture of capital investment for sewer improvements known as Richmond Avenue and 64th Street
629	10-17-1984	Recapture of capital investment for sewer improvements known as Coolidge Street north of 31st Street, Oak Brook, sewer extension
630	10-17-1985	Rapture of capital investment for sewer improvements known as Butterfield Road between Ardmore and Transam Plaza, Oakbrook Terrace, sewer extension
633	2-20-1986	Recapture of capital investment for sewer improvements known as Breakenridge Farm Unit I, Oak Brook, sewer extension
634	2-20-1986	Recapture of capital investment for sewer improvements known as Birchwood Road, Oak Brook, sewer extension
637	5-8-1986	Recapture of capital investment for sewer improvements known as Garfield Road, Burr Ridge, sewer extension
682	1-23-1992	Recapture for capital investment for sewer improvements known as Adams/35th Street, Oak Brook, sewer extension
687	1-28-1993	Recapture of capital investment for sewer improvements known as 56th and Western, Westmont, sewer extension

Collection System - Recapture

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
702	4-25-1996	Recapture of capital investment for sewer improvements known as Luther Avenue, Villa Park, sewer extension
746	8-22-2002	Recapture of capital investment for sewer improvements installed at the personal expense of Samuel C. Stout, Jr. and William Napleton and which may benefit others in the future - location Sedgley Road and County Line Road, Burr Ridge
760	8-21-2003	Recapture of costs of waste collection infrastructure improvement which the District has determined to be allocable to other properties for the improvements known and described as 3rd Street sewer improvement (between 15th and 16th Streets), York Township
762	12-18-2003	Recapture of capital investment for sewer improvements installed at the personal expense of Sami Bittar and which may benefit others in the future - location Sedgley Road, west of County Line Road, Burr Ridge
763	1-22-2004	Recapture of capital investment for sewer improvements installed at the personal expense of Linda Burk and which may benefit others in the future - location 59th Street between Bentley and Western in Willowbrook
781	11-18-2004	Amends Ordinance 760
791	8-25-2005	Recapture of capital investment for sewer improvements installed at the personal expense of Delcassian Builders, LLC and which may benefit others in the future - location Luther Street between 14th and 15th Streets, Lombard
792	8-25-2005	Recapture of capital investment for sewer improvements installed at the personal expense of Steve H. Dweydari which may benefit others in the future - location 58th Place between Clarendon Hills Road and Holmes Avenue in Clarendon Hills, Willowbrook
795	12-15-2005	Recapture of capital investment for sewer improvements installed at the personal expense of Ralph Delzenero and which may benefit others in the future - location Bentley Street south of 59th Street
797	1-19-2006	Amends Ordinance 795; recapture of capital investment for sewer improvements installed at the personal expense of Ralph Delzenero and which may benefit others in the future - location Bentley Street south of 59th Street
823	8-21-2008	Recapture of capital investment for sewer improvements installed by Thomas J. Santefort

APPENDIX A - CHARTS

Charts to be used to assist the District and consulting engineer in assessing the share of costs to other properties benefitting by the improvement and recoverable under any recapture agreement for a required increase in pipe size where the District requires a pipe size to be increased to make capacity under the District's infrastructure construction - replacement plan:

<i>Table 1. Fixed Input Parameters</i>		
<i>Items</i>	<i>Units</i>	<i>Assumption/Unit Cost</i>
Mob/demob	LS	10%
Trench safety (box)	SF	\$0.50
Special shoring	SF	\$8
Excavation	CY	\$10
Imported backfill	CY	\$25
Place native backfill	CY	\$5
Spoil load and haul	CY	\$10
Half-width residential paving	FT	14
Half-width collector paving	FT	18
Half-width arterial paving	FT	22
Full-width residential paving	FT	28
Full-width collector paving	FT	36
Full-width arterial paving	FT	44
Asphalt paving (trench)	SY	\$50
Asphalt paving (beyond trench)	SY	\$20

<i>Table 2. Pipe Materials and Installation Costs</i>						
<i>Pipe Dia. (in)</i>	<i>Standard Force Main (DI)^{1, 3} (\$/lf)</i>	<i>High Head Force Main (DI)^{2, 3} (\$/lf)</i>	<i>Outside Dia. (in)</i>	<i>Gravity Sewer³ (RCP) (\$/lf)</i>	<i>Outside Dia. (in)</i>	<i>Installation Cost (\$/lf)</i>
8	11	15	9.05	10	10.5	10
10	14	20	11.10	12	12.5	12
12	18	25	13.20	15	17	15
14	23	32	15.30	NA	NA	18
15	NA	NA	NA	18	20	20

<i>Pipe Dia. (in)</i>	<i>Standard Force Main (DI)^{1, 3} (\$/lf)</i>	<i>High Head Force Main (DI)^{2, 3} (\$/lf)</i>	<i>Outside Dia. (in)</i>	<i>Gravity Sewer³ (RCP) (\$/lf)</i>	<i>Outside Dia. (in)</i>	<i>Installation Cost (\$/lf)</i>
16	26	38	17.40	NA	NA	22
18	30	44	19.50	23	23	25
20	35	50	21.60	NA	NA	26
21	NA	NA	NA	26	26.5	27
24	43	65	25.80	30	30	30
27	NA	NA	NA	36	33.5	35
30	80	110	32.00	50	37	40
36	108	150	38.30	60	44	54
42	140	185	44.50	78	51	60
48	200	240	50.80	105	58	72
54	250	315	57.76	150	66.5	100
60	315	390	61.61	190	73.5	120
72	NA	NA	NA	240	87.5	160
78	NA	NA	NA	280	93	180
84	NA	NA	NA	360	100	200
96	NA	NA	NA	440	115.5	240
108	NA	NA	NA	540	128	280
120	NA	NA	NA	720	140	360
144	NA	NA	NA	1,050	168	480

Notes:
⁽¹⁾ Standard force main would be for most applications where the maximum hydraulic transient is less than 250 psi.
⁽²⁾ High-head force main would be used where high hydraulic transients are expected.
⁽³⁾ DI pipe and RCP come in different standard sizes. Sizes not available are noted.

<i>Manhole Diameter (in)</i>	<i>Pipe Diameter(s) (in)</i>	<i>Base Cost^{1, 2} (\$/each)</i>	<i>Additional Cost^{1, 3} (\$/each)</i>
48	< 21	3,000	250
54	24 - 27	5,000	300
72	30 - 42	9,000	500

<i>Manhole Diameter (in)</i>	<i>Pipe Diameter(s) (in)</i>	<i>Base Cost^{1, 2} (\$/each)</i>	<i>Additional Cost^{1, 3} (\$/each)</i>
84	48	12,000	700
96	54 - 60	16,000	900
108	66 - 72	20,000	1,200
120	78	26,000	1,600
144	84 - 96	32,000	2,000

Notes:
⁽¹⁾ Costs based on ENR Seattle CCI = 7,137 for December 1999.
⁽²⁾ Based on 6- to 12-foot pipe cover.
⁽³⁾ Cost for each additional foot of depth beyond 12 feet of cover.

<i>Pipe Dia. (in)</i>	<i>Utility Conflict</i>	
	<i>Average¹ (\$/lf)</i>	<i>Complex¹ (\$/lf)</i>
8 - 12	20	40
14 - 18	30	60
20 - 30	40	80
36 - 42	50	100
48 - 54	60	120
60 - 66	80	160
72 - 78	100	200
84 - 96	120	240
108 - 144	150	300

Notes:
⁽¹⁾ Costs based on ENR Seattle CCI = 7,137 for December 1999.

<i>Pipe Dia. (in)</i>	<i>Trench Sump Dewatering¹ (\$/lf of Trench)</i>	<i>Dewatering Wells¹ (\$/lf of Trench)</i>
8 - 12	20	50
14 - 21	20	60
24 - 30	20	70
36 - 48	30	80

<i>Pipe Dia. (in)</i>	<i>Trench Sump Dewatering¹ (\$/lf of Trench)</i>	<i>Dewatering Wells¹ (\$/lf of Trench)</i>
54 - 66	30	90
72 - 84	40	100
90 - 96	40	110
108 - 144	40	120

Notes:
⁽¹⁾ Costs based on ENR Seattle CCI = 7,137 for December 1999.

<i>Pipe Dia. (in)</i>	<i>Level of Traffic</i>	
	<i>Average¹ (\$/lf of Trench for Traffic Control)</i>	<i>Heavy/Special^{1,2} (\$/lf of Trench for Traffic Control)</i>
8 - 21	\$5	\$10
24 - 42	\$10	\$20
48 - 66	\$12	\$24
72 - 90	\$15	\$30
96 - 144	\$15	\$30

Notes:
⁽¹⁾ Costs based on ENR Seattle CCI = 7,137 for December 1999.
⁽²⁾ The cost for heavy/special traffic was estimated as twice the average cost for traffic control.

Charts are courtesy of King County Wastewater Treatment Division. Entire report may be viewed at <http://dnr.metrokc.gov/wtd/csi/csi-docs/phase2/grn260.pdf>

EXAMPLE:

EIGHT INCH SEWER AT 0.04 GRADE

TOTAL FLOW = 0.49 MGD

MEAN FLOW = 0.25 MGD

SERVICE AREA FOR SEWER = 25 ACRES

RECAPTURE PARTICIPANT (RP) ACREAGE = 10 ACRES

INFRASTRUCTURE CONSTRUCTION COST = \$100,000

DIVISION OF COST OVER ACREAGE FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT:
 $\$100,000/25 \text{ ACRES} = \$4,000 \text{ PER ACRE}$

RP'S NONRECAPTURABLE SHARE OF COST ASSUMING SINGLE-FAMILY DEVELOPMENT:
 $\text{TEN ACRES} \times \$4,000 = \$40,000 \text{ TOTAL}$

NEW USER (SINGLE-FAMILY DEVELOPMENT) - 5 ACRES

ACREAGE BASED RECAPTURE

$5 \times \$4,000 = \text{ACREAGE RECAPTURE OF } \$20,000$

NEW USER (NON-SINGLE-FAMILY DEVELOPMENT) - 10 ACRES

ACREAGE BASED RECAPTURE

$10 \times \$4,000 = \text{ACREAGE BASED RECAPTURE PAYMENT OF } \$40,000$

FLOW BASED RECAPTURE

CHARGE TO BE BASED UPON TOTAL FLOW APPLIED FOR
 (NO DEDUCTION FOR 270 GPD RESIDENTIAL PAYMENT)

PERMIT SOUGHT FOR 3,000 GPD (MAXIMUM ALLOWED WITHOUT VARIANCE)

$10 \times 3,000 \text{ GPDPA} = 30,000 \text{ GPD}$

30,000 gpd represents 12% of total available flow of 250,000 gpd

12% of \$100,000 cost = \$12,000

<i>ACREAGE BASED RECAPTURE</i>	\$40,000
<i>FLOW BASED RECAPTURE</i>	12,000
TOTAL RECAPTURE	\$52,000
(Ord. 755, passed 5-22-2003)	

CHAPTER 49: CONTRACTING WORK

CHAPTER 49: CONTRACTING WORK

Section

- 49-1.01 Engineering report required prior to determination to let contracts
- 49-1.02 Condition precedent
- 49-1.03 Statutes relating to bidding and contracting procedures
- 49-1.04 Preliminary requirements before seeking bids for entry into a contract for a District project
- 49-1.05 Adoption of rules and regulations for bidding and entering into contracts for construction and/or purchase of goods and supplies, the cost of which exceeds \$10,000

§ 49-1.01 ENGINEERING REPORT REQUIRED PRIOR TO DETERMINATION TO LET CONTRACTS.

The President and Board of Trustees have unanimously agreed that a determination of whether to add to the works of the system or to acquire materials or supplies for use in the operation of the works of the system for projects, the cost of which shall exceed \$10,000, shall require the following:

- (A) An engineering report from the District's state registered professional engineer recommending the work to be done and/or the materials and supplies to be purchased and the approximate cost thereof;
 - (B) A review of the report by the Board of Trustees and a determination by the Board whether sufficient funds are available and have been appropriated to do the entire work or only a portion thereof;
 - (C) The enactment of a motion by the Board of Trustees by majority vote at a meeting of the Board directing the District Engineer to prepare the documents necessary for the District to let bids and enter into a contract to have such work done and/or purchase of materials and supplies; and
 - (D) The subsequent preparation by the Engineer of the bid documents and contract documents, all of which shall conform to state law.
- (Ord. 719, passed 11-2-1999)

§ 49-1.02 CONDITION PRECEDENT.

(A) Under 50 ILCS 330/3, the adoption of a budget and passage of an annual appropriation ordinance specifying the objects and purposes for which the appropriation is made and the amount

appropriated for each object or purpose, is a prerequisite to entering into any contract for the expenditure of District Funds.

(B) It is, therefore, a condition precedent to the solicitation for bids for expenditure of any funds for construction of additions to the works of the system or acquisition of materials or supplies that the District appropriate funds for the project.

(C) No contract shall be solicited or contract let for work for which there is no specific appropriation in the appropriation ordinance for the fiscal year in which the obligation is undertaken. (Ord. 719, passed 11-2-1999)

§ 49-1.03 STATUTES RELATING TO BIDDING AND CONTRACTING PROCEDURES.

All bidding and contracting procedures adopted by the District shall be in accordance with the governing statutes, including, but not limited to, the following:

(A) 70 ILCS 2405/1 et seq., the Sanitary District Act of 1917: 70 ILCS 2405/11 contracts for purchases or sales by sanitary districts; competitive bidding requirements provides, in part, for the following:

(1) Public notice of the terms and conditions upon which the contract is to be let not less than 14 days prior to the opening of bids;

(2) Award to the lowest responsible bidder. State case law has interpreted the statutory provision to require that a successful bidder's bid must be responsive in all material parts to the invitation for bids;

(3) In determining the lowest responsible bidder, the Board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with the specifications, their suitability to the requirements of the district, the availability of support services and the uniqueness of the service, materials or supplies;

(4) The Board may reject any and all bids and may re-advertise; and

(5) For the specific details of bidding, the section refers to 65 ILCS 5/9-2-1 et seq.

(B) 720 ILCS 5/33E Public Contracts: Article 33E provides, in part, for the following:

(1) Subsection 5/33E-1 Interference with Public Contracting provides:

“It is the finding of the General Assembly that the cost to the public is increased and the quality of goods, services and construction paid for by public monies is decreased when contracts for such goods, services or construction are obtained by any means other than through independent

noncollusive submission of bids or offers by individual contractors or suppliers and the evaluation of those bids or offers by the governmental unit pursuant only to the criteria public announced in advanced.”

(2) (a) Subsection 5/33E-2 specifies the definitions which are applicable to public contracts.

(b) Subsequent subsections of Article 33E prohibit and make illegal certain actions which are adverse to a fair and proper bid process, being described in the following items.

(3) Subsection 5/33E-3 - Bid-rigging defines and prohibits bid-rigging;

(4) Subsection 5/33E-4 - Bid Rotating defines and prohibits bid-rotating as a combination of persons purposefully bidding in such a manner as allows them to take turns in being the low bidder;

(5) Subsections 5/33E-5 and 5/33E-6 - Certain illegal actions by employees of the governmental unit;

(6) Subsection 5/33E-7 - Kickbacks defines and prohibits kickbacks;

(7) Subsection 5/3 3E-8 - Bribery of Inspector Employed by Contractor defines and prohibits bribery;

(8) Subsection 5/33E-9 - Change Orders establishes a proper procedure for use of change orders;

(9) Subsection 5/33E-10 - Establishes rules of evidence and presumption of proper bid if none of the foregoing apply; and

(10) (a) Subsection 5/33E-11 Certification requires:

“(a) Every bid submitted to and public contract executed pursuant to such bid by....a unit of local government shall contain a certification by the prime contractor that the prime contractor is not barred from contracting with any unit of State or local government as a result of a violation of Section 33E-3 or 33E-4.”

(b) And that the state and units of local government shall provide the appropriate forms for such certification.

(C) 820 ILCS 130 - Prevailing Wage Act:

(1) Subsection 130/4 Ascertainning Prevailing Wages - Call for bids to specify prevailing wages - contracts - bonds;

Flagg Creek Water Reclamation District - Contracting Work

(2) The section provides in part the following:

(a) The public body awarding any contract for public work...shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract...and such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract...and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him or her...to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work.

(b) The section gives the public body the alternative to have the Department of Labor ascertain the prevailing rate of hourly wages for work under contract...for each craft or type of worker or mechanic needed to execute the contract.

(c) The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(d) It shall also require, in all such contractor's bonds, that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by the contract.

(e) It requires that the bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(f) It further provides that, if the Department of Labor revises the prevailing wage rates, the revised rate shall apply to such contract and the public body shall be responsible to notify the contractor and each subcontractor of the revised rate.

(3) Section 130/5 Records of employees and wages paid - the contractor and subcontractors or the officer of the public body in charge of the project to keep accurate records showing the names and occupation of all of the employees on the job and to keep those records open for inspection;

(4) Section 130/6 relates to enforcement of the requirements against both the representative of the public body and the contractor and subcontractor;

(5) Section 130/9 requires an annual review and public posting or availability of wage rates in the main office of the public body for inspection by any interested party; and

(6) Section 130/11a provides that the Department of Labor shall keep a list (published once in each calendar quarter) of contractors and subcontractors who violate the Act and penalizes contractors and subcontractors who disregard their obligations under the Act in the following manner:

“No contract shall be awarded to any contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until four years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor.”

(D) 65 ILCS 5/9-2-100 et seq. of the municipal code:

(1) 5/9-2-100 Letting Contracts - Performance of Work by Municipality provides that any public work shall be contract let to the lowest responsible bidder. Such contracts shall be approved by the president of the municipality. The same case law which affects all bids of the “lowest responsible bidder” affects this provision.

(2) 5/9-2-103 Notice for Letting Contract - Bids:

(a) Provides that notice shall be in accordance with the ordinance therefore. It shall state the time of the opening of bid and shall further state where the specifications are to be found and that the contract amount is to be paid in cash;

(b) Provides that the proposals shall be accompanied by cash, or by a check payable to the order of the President...in his or her official capacity, certified by a responsible bank for an amount not less than 10% of the aggregate proposal; and

(c) Provides that the Board, in open session, shall examine and publicly declare the proposals or bids and that no proposal or bid shall be considered unless accompanied by such check or cash.

(3) 65 ILCS 5/9-2-104 - Bond of Contractor - Suit on Bond:

(a) Provides that the successful bidder shall be required to provide a performance bond before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the District and to conform to the statutory requirements;

(b) Provides that the bond shall provide that the contractor shall well and faithfully perform and execute the work in all respects according to the complete and detailed specifications, full and complete drawings, profiles and models therefor, and according to the time and terms and conditions of the contract, and also that the bidder and contractor shall promptly pay all debts incurred by him or her in the prosecution of the work, including those for labor and materials furnished; and

(c) Provides that any performance bond forfeited may be prosecuted, and the amount due thereon collected and paid to the fund for the repairing and maintenance of like improvements.

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(E) 775 ILCS 5/2/105 Human Rights - Equal Employment Opportunities - Affirmative Actions:

(1) Subsection A provides that every party to a public contract and every eligible bidder shall:

(a) Refrain from unlawful discrimination and undertake affirmative action to assure equality of employment opportunity;

(b) Comply with the procedures and requirements of the Department concerning same;

(c) Provide such information with respect to employees and applicants and assistance as the Department requests;

(d) Have written sexual harassment policies that shall include, at a minimum, the following information:

1. The illegality of sexual harassment;

2. The state law definition of sexual harassment;

3. A description thereof, with examples;

4. The vendor's internal complaint process;

5. A description of the legal recourse mechanism through the Department and Commission;

6. Directions on how to contact the Department and Commission; and

7. Protection against retaliation under § 6-101 of the Act.

(2) Division (C) of 775 ILCS 5/2/105 cited above points out that a certain additional actions may result in a Civil Rights violation for any public contractor or eligible bidder.
(Ord. 719, passed 11-2-1999)

§ 49-1.04 PRELIMINARY REQUIREMENTS BEFORE SEEKING BIDS FOR ENTRY INTO A CONTRACT FOR A DISTRICT PROJECT.

After the Board determines to have contract work done or purchases made on behalf of the District, the cost of which exceeds \$10,000, the District shall:

(A) Pursuant to 65 ILCS 5/9-2-105, compile a list of persons, if any, whom it believes to be disqualified from performing work on any District job as a result of delinquent or unfaithful performance in any former contract with the District, for its use in rejecting the bid of any such person;

(B) Obtain from the State Department of Labor the applicable lists of contractors and subcontractors who have been found to be in violation of the prevailing wage act for use in rejecting the bid of any such person who is disqualified from doing public work; and

(C) Obtain a list of wages required under the Prevailing Wage Act, being 820 ILCS 130, for incorporation into the bid documents.
(Ord. 719, passed 11-2-1999)

§ 49-1.05 ADOPTION OF RULES AND REGULATIONS FOR BIDDING AND ENTERING INTO CONTRACTS FOR CONSTRUCTION AND/OR PURCHASE OF GOODS AND SUPPLIES, THE COST OF WHICH EXCEEDS \$10,000.

In furtherance of the duty of the District to guarantee adherence to the applicable statutes and award contracts only by the competitive bidding process, the Board of Trustees of the District hereby adopts the rules and regulations for contracting for work to be performed for the District for non-emergency contracts the cost of which is in excess of \$10,000, dated November 1, 1999, as the rules and regulations applicable for all District projects falling thereunder, together with the sample forms which are attached thereto and adopts the printed standard general conditions of the construction contract, prepared by the Engineers Joint Contract Documents Committee, 1990 edition, except as such standard general conditions require amendment to conform to the applicable statutes and court jurisdiction over the actions of the District.

(Ord. 719, passed 11-2-1999)

CHAPTER 50: STATE GIFT BAN

CHAPTER 50: STATE GIFT BAN

Section

50-1.01	State Gift Ban Act adopted
50-1.02	Definitions
50-1.03	Prohibited political activity
50-1.04	Gift ban
50-1.05	Gift ban; exceptions
50-1.06	Gift ban; disposition of gifts
50-1.07	Ethics Advisor; designation
50-1.08	Ethics Advisor; duties
50-1.09	Ethics Commission; creation
50-1.10	Ethics Commission; removal and vacancies
50-1.11	Ethics Commission; powers and duties
50-1.12	Ethics Commission; complaints

§ 50-1.01 STATE GIFT BAN ACT ADOPTED.

The gift ban provisions of the State Officials and Employees Ethics Act (5 ILCS 430/10-10 et seq.) (the Act) are hereby adopted.
(Ord. 717, passed 7-22-1999)

§ 50-1.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPAIGN FOR ELECTIVE OFFICE. Any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination or election of presidential or vice-presidential electors, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

CANDIDATE. A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Election Code § 1-3 (10 ILCS 5/1-3).

COLLECTIVE BARGAINING. Has the same meaning as that term is defined in the Illinois Public Labor Relations Act § 3 (5 ILCS 315/3).

COMPENSATED TIME. With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but, for purposes of this Ordinance 858, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, **COMPENSATED TIME** includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF. Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

CONTRIBUTION. Has the same meaning as that term is defined in the Election Code § 9-1.4 (10 ILCS 5/9-1.4).

EMPLOYEE. A person employed by the Flagg Creek Water Reclamation District, whether on a full- time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

EMPLOYER. The Flagg Creek Water Reclamation District.

GIFT. Any gratuity, discount, entertainment, hospitality, loan, forbearance or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

LEAVE OF ABSENCE. Any period during which an employee does not receive:

- (1) Compensation for employment;
- (2) Service credit towards pension benefits; and
- (3) Health insurance benefits paid for by the employer.

OFFICER. A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

POLITICAL ACTIVITY. Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

POLITICAL ORGANIZATION. A party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a County Clerk under the Election Code § 9-3 (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a County Clerk.

PROHIBITED POLITICAL ACTIVITY.

- (1) Preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event;
- (2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting or other political event;
- (3) Soliciting, planning the solicitation of or preparing any document or report regarding anything of value intended as a campaign contribution;
- (4) Planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (8) Initiating for circulation, preparing, circulating, reviewing or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;

(10) Preparing or reviewing responses to candidate questionnaires;

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective office or for or against any referendum question;

(12) Campaigning for any elective office or for or against any referendum question;

(13) Managing or working on a campaign for elective office or for or against any referendum question;

(14) Serving as a delegate, alternate or proxy to a political party convention; and/or

(15) Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE. Any person or entity who:

(1) Is seeking official action:

(a) By an officer; or

(b) By an employee, or by the officer or another employee directing that employee.

(2) Does business or seeks to do business:

(a) With the officer; or

(b) With an employee, or with the officer or another employee directing that employee.

(3) Conducts activities regulated:

(a) By the officer; or

(b) By an employee, or by the officer or another employee directing that employee.

(4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

(Ord. 858, passed 5-18-2012)

§ 50-1.03 PROHIBITED POLITICAL ACTIVITY.

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the District in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity:

- (1) As part of that officer or employee's duties;
- (2) As a condition of employment; or
- (3) During any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance 858.

(E) No person either (a) in a position that is subject to recognized merit principles of public employment or (b) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the *Federal Standards for a Merit System of Personnel Administration* applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party or of a political organization or club. (Ord. 858, passed 5-18-2012)

§ 50-1.04 GIFT BAN.

Except as permitted by this chapter, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

(Ord. 858, passed 5-18-2012)

§ 50-1.05 GIFT BAN; EXCEPTIONS.

(A) Section 50-1.04 is not applicable to the following:

(1) Opportunities, benefits and services that are available on the same conditions as for the general public;

Flagg Creek Water Reclamation District - State Gift Ban

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value;

(3) Any:

(a) Contribution that is lawfully made under the Election Code; or

(b) Activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions;

(5) Travel expenses for a meeting to discuss business;

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister and including the father, mother, grandfather or grandmother of the individual's spouse and the individual's fiancé or fiancée;

(7) (a) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship.

(b) In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

1. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

2. Whether, to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

3. Whether, to the actual knowledge of the recipient, the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) (a) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are:

1. Consumed on the premises from which they were purchased or prepared; or

2. Catered.

(b) For the purposes of this section, **CATERED** means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances;

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, **INTRA-GOVERNMENTAL GIFT** means any gift given to an officer or employee from another officer or employee, and **INTER-GOVERNMENTAL GIFT** means any gift given to an officer or employee by an officer or employee of another governmental entity;

(11) Bequests, inheritances and other transfers at death; and

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

(B) Each of the exceptions listed in this section is mutually exclusive and independent of every other.

(Ord. 858, passed 5-18-2012)

§ 50-1.06 GIFT BAN; DISPOSITION OF GIFTS.

An officer or employee, his or her spouse or an immediate family member living with the officer or employee does not violate this Ordinance 858 if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under I.R.C. § 501(c)(3), as now or hereafter amended, renumbered or succeeded.

(Ord. 858, passed 5-18-2012)

§ 50-1.07 ETHICS ADVISOR; DESIGNATION.

The Executive Director, with the advice and consent of the Board of Trustees, shall designate an Ethics Advisor for the District. The duties of the Ethics Advisor may be delegated to an officer or employee of the District unless the position has been created as an office by the District.

(Ord. 858, passed 5-18-2012)

§ 50-1.08 ETHICS ADVISOR; DUTIES.

The Ethics Advisor shall provide guidance to the officers and employees of the District concerning the interpretation of and compliance with the provisions of this Ordinance 858 and state ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.
(Ord. 858, passed 5-18-2012)

§ 50-1.09 ETHICS COMMISSION; CREATION.

(A) There is hereby created a commission to be known as the Ethics Commission of the Flagg Creek Water Reclamation District. The Commission shall be comprised of three members appointed by the Board of Trustees.

(B) At the first meeting of the Commission, the Commissioners shall choose a Chairperson from their number. Meetings shall be held at the call of the Chairperson or any two Commissioners. A quorum shall consist of two Commissioners, and official action by the Commission shall require the affirmative vote of two members.
(Ord. 858, passed 5-18-2012)

§ 50-1.10 ETHICS COMMISSION; REMOVAL AND VACANCIES.

The Board of Trustees may remove a Commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the Commissioner by certified mail, return receipt requested, of a copy of the written charges against the Commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten days' notice. Vacancies shall be filled in the same manner as original appointments.
(Ord. 858, passed 5-18-2012)

§ 50-1.11 ETHICS COMMISSION; POWERS AND DUTIES.

The Commission shall have the following powers and duties:

(A) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers;

(B) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with § 29-1.09(C) and refer violations of §§ 5-1.03 or 50-1.04 to 50-1.06 to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance 858 and not upon its own prerogative;

(C) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance 858;

(D) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the District to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge; and

(E) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance 858.

(Ord. 858, passed 5-18-2012)

§ 50-1.12 ETHICS COMMISSION; COMPLAINTS.

(A) Complaints alleging a violation of this Ordinance 858 shall be filed with the Ethics Commission.

(B) Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(C) (1) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance 858, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint.

(2) If the complaint is deemed sufficient to allege a violation of §§ 50-1.04 to 50-1.06 and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Commission may elect to notify, in writing, the attorney designated by the Board of Trustees to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

(3) If the complaint is deemed sufficient to allege a violation of § 50-1.03, then the Commission shall notify, in writing, the attorney designated by the corporate authorities to prosecute such actions and

shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(D) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(E) (1) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either:

(a) Dismiss the complaint; or

(b) Issue a recommendation for discipline to the alleged violator and to the Board of Trustees, or impose a fine upon the violator, or both.

(2) The particular findings in the case, any recommendation for discipline and any fine imposed shall be a matter of public information.

(F) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Executive Director, or impose a fine upon the violator, or both.

(G) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under division (E) above within seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(H) The Commission may fine any person who intentionally violates any provision of §§ 50-1.04 to 50-1.06 in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance 858 in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.

(I) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

(Ord. 858, passed 5-18-2012)

CHAPTER 51: FUNDS AND BONDS

CHAPTER 51: FUNDS AND BONDS

Section

51-1.01	Scope
51-1.02	Policy
51-1.03	Delegation of authority
51-1.04	Authorized financial dealers and institutions
51-1.05	Authorized and suitable investments
51-1.06	Collateralization
51-1.07	Internal controls and operational procedures
51-1.08	Reporting and review
51-1.09	Selection of investment advisors, money managers and financial institutions
51-1.10	Ethics and conflicts of interest
51-2.01	Funds and bonds table

§ 51-1.01 SCOPE.

This policy applies to the investment of all funds of the District, Burr Ridge, Illinois. The District may consolidate the balances from all funds to maximize investment earnings and meet the liquidity requirements of the District subject to the primary objective of providing safety of principal. Investment income will be allocated to the various funds based on their respective participation of capital in the overall portfolio in accordance with generally accepted accounting principles.
(Ord. 720, passed 8-21-2015)

§ 51-1.02 POLICY.

The policy of the District is to invest idle public funds in a manner to meet the daily cash flow demands of the District with the primary objectives, in priority order, being: a) safety of principal; b) liquidity; and c) return on investments:

(A) *Safety of principal.* Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate the following risks.

(1) *Credit risk.* The District will minimize credit risk, which is the risk of loss due to the failure of the investment issuer or guarantor, by limiting the portfolio to the types of investments listed in § 51-1.05. Authorized and suitable investments described within this policy and diversifying the

investment portfolio to diminish the impact of potential losses from any one type of investment or from any one individual issuer must be considered when minimizing the District's credit risk.

(2) *Custodial credit risk.* The District will minimize custodial credit risk for deposits, which is the risk that, in the event of the failure of a depository financial institution, the deposits or collateral securities that are in the possession of an outside party would be able to be recovered, as addressed in § 51-1.06.

(B) *Liquidity.* The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. In addition, no security will be purchased that has a maturity that exceeds 36 months.

(C) *Return on investments.* The average three-month U.S. Treasury bill return will be utilized to evaluate the performance of the investment portfolio throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of the portfolio is limited to relatively low risk investments in anticipation of earning a fair return relative to the risk being assumed.

(Ord. 720, passed 8-21-2015)

§ 51-1.03 DELEGATION OF AUTHORITY.

(A) Authority to manage the investment program is delegated to the District's Treasurer, subject to the oversight of the Board of Trustees and the supervision of the Executive Director. The Treasurer and the Executive Director shall refrain from personal business activity that could impair their ability to make impartial decisions. The Treasurer and the Executive Director, acting in accordance with this investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual investment's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of investments are earned out in accordance with the terms of this policy.

(B) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of its capital as well as the probable income to be derived.

(Ord. 720, passed 8-21-2015)

§ 51-1.04 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

The Board of Trustees authorizes the placement of cash resources with those financial dealers and institutions established by the Board on an annual basis.

(Ord. 720, passed 8-21-2015)

§ 51-1.05 AUTHORIZED AND SUITABLE INVESTMENTS.

(A) Non-interest bearing checking accounts constituting direct obligations of any bank as defined by the Illinois Banking Act;

(B) Money market mutual funds registered under the Investment Company Act of 1940, being 15 U.S.C. §§ 80a-1 et seq., provided that the portfolio of any such money market mutual fund is limited to obligations described in divisions (D) or (E) below and to agreements to repurchase such obligations;

(C) Interest-bearing savings, interest-bearing money market, interest-bearing certificates of deposit or interest-bearing time deposit accounts, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act;

(D) Bonds, notes, certificate of indebtedness, Treasury bills or other securities now or hereafter issued, which are guaranteed by the full faith and credit of the United States of America as to principal and interest; and

(E) Bonds, notes, debentures or other similar obligations of the United States of America, its agencies and its instrumentalities.
(Ord. 720, passed 8-21-2015)

§ 51-1.06 COLLATERALIZATION.

(A) Qualified public depositories (a federal reserve bank or branch office, a bank's trust department or an escrow agent of the pledging institution) will furnish U.S. government issued instruments as collateral in the sum equal to 100% of the public deposit accounts that exceed federal deposit insurance corporation rules and regulations. The financial institution shall submit a copy of its collateralization report to the District's Treasurer on a monthly basis.

(B) The ratio of fair market value of collateral to the amount of funds secured shall be reviewed at least monthly and additional collateral shall be requested when the ratio declines below the level required.

(C) Safekeeping of collateral shall be documented by a written agreement approved by the District. This may be in the form of a safekeeping agreement, trust agreement, escrow agreement or custody agreement.
(Ord. 720, passed 8-21-2015)

§ 51-1.07 INTERNAL CONTROLS AND OPERATIONAL PROCEDURES.

The Treasurer shall be responsible for all transactions and shall establish a system of controls of the activities of all subordinates who are directly involved in the assistance of such investment activities.

Such system of controls shall be designed to prevent losses of funds that might arise from fraud, employee error and misrepresentation by third-parties or imprudent actions by District employees. (Ord. 720, passed 8-21-2015)

§ 51-1.08 REPORTING AND REVIEW.

(A) On a monthly basis, the Treasurer shall submit to the District's Board of Trustees an investment report which shall describe the portfolio in terms of types of investment securities, lists of financial institutions used, book value, maturities, cost of fund, market value and earnings for the current period and year to date. On an annual basis, the Treasurer shall submit a comprehensive annual report on the investment program and activity, including a review of the overall performance for the year.

(B) Review of the portfolio shall be conducted against performance measures that are appropriate to the nature of the funds, the purpose for the funds and the amount of the public funds within the portfolio. Further review of the portfolio shall be conducted to determine its effectiveness in meeting the public agency's needs for safety, liquidity, rate of return and diversification and its general performance. (Ord. 720, passed 8-21-2015)

§ 51-1.09 SELECTION OF INVESTMENT ADVISORS, MONEY MANAGERS AND FINANCIAL INSTITUTIONS.

The Treasurer and the Executive Director shall determine the need for investment advisors, money managers and financial institutions and make recommendations therefor to the Board of Trustees. Approval of the Board of Trustees shall be required. (Ord. 720, passed 8-21-2015)

§ 51-1.10 ETHICS AND CONFLICTS OF INTEREST.

District Trustees, officers and employees involved in the investment process shall refrain from any personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Trustees, officers and employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. District Trustees, officers and employees shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the District. (Ord. 720, passed 8-21-2015)

§ 51-2.01 FUNDS AND BONDS TABLE.

The following table lists specific funds and bonds ordinances:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
6	4-19-1928	Issuance of \$300,000 sanitary sewer bonds of the District, DuPage and Cook Counties, and providing for levy of taxes to pay the same
46	11-14-1935	Providing for issuance of \$225,000 refunding bonds of the District in DuPage and Cook Counties and providing for the levy of taxes to pay principal and interest on said bonds
152	2-12-1959	Agreement between V.&S. Construction Co., Inc. and the District in the matter of the issuance of special assessment bonds on account of special assessment number 5
276	10-8-1970	Providing for borrowing money and issuing bonds to the amount of \$6,000,000 for the purpose of paying the cost of constructing necessary improvements to the existing sanitary sewer system of said District, such improvements consisting of constructing a water pollution control intercepting sewer and rehabilitating and improving the existing sewage treatment plant, and providing for the levy and collection of a direct annual tax for the payment of the principal and interest of said bonds
340	1-29-1973	Issue of \$2,500,000 Sewerage Revenue Bonds, series 1973, for the purpose of defraying the cost of improving and extending its sanitary sewer system by the acquisition of the existing sanitary sewer system owned and operated by the Oak Brook Utility Company, constructing further improvements and extensions thereto, prescribing all details of said bonds and providing for the collection, segregation and distribution of the revenue of the sewerage system of said District for the purpose of paying the cost of the operation and maintenance thereof, providing an adequate Depreciation Fund therefor and paying the principal and interest of said Sewerage Revenue Bonds and establishing certain accounts of the Sewerage Fund of the District
522	1-22-1981	Transferring funds from the Sewer Construction Fund to the professional fees, Legal Fund
655	9-10-1987	Establishing the Fund for the sludge storage improvements to be expended for the sludge storage improvements and no other purpose
657	3-17-1988	Establishing the Fund for the improvements to be expended for the repairs to the spinning wheel lift station and no other purpose
726	1-25-2001	Declaring a serious risk to the District NPDES permit, authorizing transfer of all or portions of the District Public Benefit Fund to the General Fund and authorizing a “no bid” addition to an existing construction contract
759	7-24-2003	Authorizing creation of a new Appropriation Fund line item, transfer of funds from an existing fund line item and authorizing payment of the state’s NPDES permit charge

Flagg Creek Water Reclamation District - Funds and Bonds

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
778	10-21-2004	Declaring necessity for expenditure of public funds, creation of an appropriated fund category and authorizing transfer of heretofore appropriated funds declared to be surplus to such fund
811	9-27-2007	Water pollution control loan program ordinance authorizing application for and execution of a revolving fund loan agreement by the District
826	11-20-2008	Water pollution control loan program ordinance authorizing application for and execution of a revolving fund loan agreement by the District
841	6-30-2010	Water pollution control loan program ordinance authorizing application for and execution of a revolving fund loan agreement by the District
846	4-29-2011	Water pollution control loan program ordinance authorizing application for and execution of a revolving fund loan agreement by the District
862	12-14-2012; 10-23-2014	Water pollution control loan program ordinance authorizing application for and execution of a revolving fund loan agreement by the District
888	4-28-2017	Water pollution control loan program ordinance authorizing application for and execution of a revolving fund loan agreement by the District

CHAPTER 52: PREVAILING WAGE RATE

CHAPTER 52: PREVAILING WAGE RATE

Section

- 52-1.01 Relation to Act
- 52-1.02 Application of general wage rates
- 52-1.03 Availability of wage rate for inspection
- 52-1.04 Distribution of copies
- 52-1.05 Filing a copy of this Ordinance
- 52-1.06 Publication

§ 52-1.01 RELATION TO ACT.

To the extent and as required by “An Act Regulating Wages of Laborers, Mechanics and Other Workers Employed in Any Public Works by State, County, City or Any Public Body or Political Subdivision or by Anyone under Contract for Public Works”, approved June 26, 1941, being the Prevailing Wage Act and codified as amended, 820 ILCS 130/1 et seq., the general prevailing wages in the locality for laborers, mechanic and other workers engaged in construction of public works coming under the jurisdiction of the District is hereby ascertained to be the same as the prevailing rate of wages for construction work in Cook County and DuPage County, as determined by the State Department of Labor as of June of the current year, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the State Department of Labor shall supersede the Department’s June determination and apply to any and all public works construction undertaken by the District. The definition of any terms appearing in this Ordinance 898 which are also used in aforesaid Act shall be the same as in said Act.
(Ord. 898, passed 6-28-2019)

§ 52-1.02 APPLICATION OF GENERAL WAGE RATES.

Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the District to the extent required by the aforesaid Act.
(Ord. 898, passed 6-28-2019)

§ 52-1.03 AVAILABILITY OF WAGE RATE FOR INSPECTION.

The Clerk of the District shall publicly post or keep available for inspection by any interested party in the main office of the District this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

(Ord. 898, passed 6-28-2019)

§ 52-1.04 DISTRIBUTION OF COPIES.

The Clerk of the District shall mail a copy of this determination to any employer and to any association of employers and to any person or any association of employers who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

(Ord. 898, passed 6-28-2019)

§ 52-1.05 FILING A COPY OF THIS ORDINANCE.

The Clerk of the District shall promptly file a certified copy of this Ordinance 898 with both the Secretary of State Index Division and the State Department of Labor.

(Ord. 898, passed 6-28-2019)

§ 52-1.06 PUBLICATION.

The Clerk of the District shall cause to be published in a newspaper of general circulation within the area a copy of this Ordinance 898, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

(Ord. 898, passed 6-28-2019)

CHAPTER 53: AGREEMENTS

CHAPTER 53: AGREEMENTS

Section

53-1.01 Agreements table

§ 53-1.01 AGREEMENTS TABLE.

The following table lists specific agreement ordinances.

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
732	8-23-2001	Establishing the prerequisites for a no publication bid pursuant to the emergency contact gap provisions of Public Law No. 92-0195 and authorizing entry into an agreement providing for the repair of excess flow pump number 2 and providing for the reports required by law to be sent to the State EPA
733	10-25-2001	Recognizing that the development of two tracts with interlocking directorships may represent a special case; and that a special case may allow special treatment; authorizing entry into an agreement providing for the treatment of a particular redevelopment tract as one unit for allocation of units of waste flow permitted to be discharged from the tract and permitting transfer of portions of the permitted flow from one parcel within the tract to another parcel within the tract
789	6-16-2005	Waiver of 3,000 gallons per day per acre limit for ANN0 Domini Hinsdale, IV, LLC development
790	8-25-2005	Waiver of 3,000 gallons per day per acre limit for development
793	8-25-2005	Waiver of 3,000 gallons per day per acre limit for Ashton Grove Condominiums Phase 2 development
802	10-19-2006	Determining that no portion of the collection system has inadequate remaining dry weather capacity to serve the proposed regency place residential and commercial development and authorizing effluent flow in excess of 3,000 gallons per day into the District system based upon the application by Regency Place, LLC and the hearing officer's report of variation proceedings for the project

CHAPTER 54: PURCHASE AND SALE OF PROPERTY

CHAPTER 54: PURCHASE AND SALE OF PROPERTY

Section

54-1.01 Purchase and sale of property table

§ 54-1.01 PURCHASE AND SALE OF PROPERTY TABLE.

The following table lists specific purchase ordinances:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
458	4-13-1978	Procedure for disposing of surplus property where no bids have been received in response to a formal publication for bids
536	5-14-1981	Sale of a water system by the District to the Village of Oak Brook
779	10-21-2004	Execution of the contract to purchase, by agreement, the building located 7001 Commonwealth Avenue, Burr Ridge, Illinois to serve as the combination office administration and plant operational building facilities referred to in Ordinances 778 and 779
824	10-30-2008	Authorizing an amendment to the legal description for the acquisition through negotiation of certain property commonly known as the “Lions Club/Clarendon Hills Lift Station Property”
825	11-20-2008	Authorizing the acquisition through condemnation of certain property commonly known as the “Lions Club/Clarendon Hills Lift Station Property”
833	7-16-2009	Authorizing the acquisition of certain property commonly known as the “Lions Club/Clarendon Hills Lift Station Property”
834	11-19-2009	Authorizing the acquisition through negotiation of exclusive permanent utility easements over certain properties within the “55th Street Interceptor Project”
839	5-27-2010	Authorizing the acquisition through negotiation or condemnation of exclusive permanent utility easements over certain properties within the “55th Street Interceptor Project”

CHAPTER 55: LOCAL IMPROVEMENTS AND CONSTRUCTION

CHAPTER 55: LOCAL IMPROVEMENTS AND CONSTRUCTION

Section

55-1.01 Local improvements and construction table

§ 55-1.01 LOCAL IMPROVEMENTS AND CONSTRUCTION TABLE.

The following table lists specific local improvement and construction ordinances:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
164	4-22-1961	Installation by special assessment of a system of sanitary sewers in the Southwest Quarter of Section 3, Township 38 North, Range 11, East of the Third Principal Meridian
196	4-14-1964	Construction of a sanitary sewer system for the 59th Street drainage area by the District and for a special assessment to pay the cost thereof
260	3-12-1970	Installation of sanitary sewers in the areas identified as Fullersberg Area number 1 and Fullersberg Area number 2 (special assessment number 8)
303	5-13-1971	Installation of sanitary sewers in Arthur T. McIntosh and Company's Westmont Acres; Holub's resubdivision in Westmont acres; Arthur T. McIntosh and Company's resubdivision of Blocks 1, 2 and 3, alleys and part of Elm and Cedar Streets in Warren-Keeney and Company's Second Addition and Warren-Keeney and Company's Second Addition, Block 4 and other lands in the District
335	9-14-1972	Reconstruction of an existing 8-inch diameter sanitary sewer and the construction of a 12-inch diameter sanitary sewer and to reconnect all existing service connections in Wilmette Avenue
417	9-6-1975	Making of a local improvement in and for the southwest portion of the District
420	10-9-1975	Sewer improvements along portions of 31st Street and Lincoln Street in Oakbrook (special assessment number 14)
422	11-13-1975	Sewer improvements of portions of Clarendon Hills Road, 61st Street, Bentley Avenue and Western Avenue (special assessment number 13)
424	2-26-1976	Providing for the making of a local improvement in and for the southwest portion of the District

Flagg Creek Water Reclamation District - Local Improvements and Construction

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
433	7-8-1976	Sewer improvements along the property bounded in general by 22nd Street on the south, Route 83 on the east, Butterfield Road on the north and the west line of "Elmburst Countryside Unit Five" on the west in Oakbrook Terrace (special assessment number 15)
444	6-9-1977	Sewer improvements along the property bounded in general by 16th Street on the north, 22nd Street on the south, Meyers Road on the east and the west line of the east half of the Southeast Quarter of Section 20, Township 39 North, Range 11, east of the third principal meridian on the west in Congress Knolls Subdivision
731	7-19-2001	Recognizing that the development of two tracts with interlocking directorships may represent a special case; and that a special case may allow special treatment; authorizing entry into an agreement providing for the treatment of a particular redevelopment tract as one unit for allocation of units of waste flow permitted to be discharged from the tract and permitting transfer of portions of the permitted flow from one parcel within the tract to another parcel within the tract
765	3-25-2004	Recognizing the effect of non-permitted discharges of the infiltration/inflow portion of combined sewer flows into the district's trunk line interceptors by the Village of Hinsdale and authorizing an infiltration/inflow surcharge to be added proportionally to the user charge billings billed to all users within the corporate limits of the Village of Hinsdale in order to defer the actual costs experienced by the District to collect and convey such infiltration/inflow portion of the Hinsdale sourced flow to the John A. McElwain treatment plant and to treat such infiltration/inflow portion of such flows
775	7-29-2004	Recognizing the effect of non-permitted discharges of the infiltration/inflow portion of combined sewer flows into the District's trunk line interceptors by the Village of Hinsdale and authorizing an infiltration/inflow surcharge to be added proportionally to the user charge billings billed to all users within the corporate limits of the Village of Hinsdale in order to defer the actual costs experienced by the District to collect and convey such infiltration/inflow portion of the Hinsdale sourced flow to the John A. McElwain treatment plant and to treat such infiltration/inflow portion of such flows
890	6-29-2017	Permitting transfer of all or portions of the permitted flow from one or more parcels within a tract referred to as the Oakbrook Lakes property to other specific parcels within the tract

CHAPTER 56: EASEMENTS

CHAPTER 56: EASEMENTS

Section

56-1.01 Easements table

§ 56-1.01 EASEMENTS TABLE.

The following table includes specific easement ordinances:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
242	12-9-1968	Declaring necessity for right-of-way for sewer easements and appointing agent for negotiations and authorizing offering price and authorizing condemnation
274	9-15-1970	Declaring the necessity for right-of-way for sewer easements and appointing agent for negotiations and authorizing offering price and authorizing condemnation
397	7-11-1974	Declaring necessity for right-of-way for sewer easements and appointing agent for negotiations and authorizing offering price and authorizing condemnation
408	5-8-1975	Appointing agent for negotiations and authorizing offering price and authorizing condemnation
852	6-24-2011	Authorizing the amended acquisition of exclusive permanent utility easements over certain properties within the "55th Street Interceptor Project"
853	6-29-2011	Providing for the settlement of the acquisition of exclusive permanent utility easements over certain properties within the "55th Street Interceptor Project"
861	8-17-2012	Declaring necessity for the District to use, occupy or improve certain real property owned by the Village of Oak Brook for purposes related to water reclamation

CHAPTER 57: ANNEXATIONS AND DETACHMENTS

CHAPTER 57: ANNEXATIONS AND DETACHMENTS

Section

57-1.01 Annexations and detachments table

§ 57-1.01 ANNEXATIONS AND DETACHMENTS TABLE.

The following table lists specific annexation and detachment ordinances of the District:

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
118	1-22-1953	Annexing adjacent real estate to the District
131	9-13-1955	Annexing adjacent real estate to the District
132	1-19-1956	Annexing adjacent real estate to the District
140	7-25-1957	Annexing adjacent real estate to the District
143	12-12-1957	Annexing adjacent real estate to the District
146	5-8-1958	Annexing adjacent real estate to the District
148	6-12-1958	Annexing adjacent real estate to the District
149	6-12-1958	Annexing adjacent real estate to the District
151	1-23-1959	Annexing adjacent real estate to the District
153	3-12-1959	Annexing adjacent real estate to the District
162	3-14-1961	Annexing adjacent real estate to the District
163	3-14-1961	Annexing adjacent real estate to the District
170	8-3-1961	Annexing adjacent real estate to the District
171	9-14-1961	Annexing adjacent real estate to the District
172	1-16-1962	Annexing adjacent real estate to the District
173	3-6-1962	Annexing adjacent real estate to the District
175	3-6-1962	Annexing adjacent real estate to the District
176	6-13-1962	Annexing adjacent real estate to the District
177	4-12-1962	Annexing adjacent real estate to the District

Flagg Creek Water Reclamation District - Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
181	7-24-1962	Annexation of certain territory
183	9-11-1962	Annexing adjacent real estate to the District
184	10-15-1962	Annexing adjacent real estate to the District
174	11-9-1962	Annexing adjacent real estate to the District
185	11-13-1962	Annexing adjacent real estate to the District
186	12-11-1962	Annexing adjacent real estate to the District
187	4-9-1983	Annexing adjacent real estate to the District
189	5-7-1963	Annexing adjacent real estate to the District
193	1-14-1964	Annexing adjacent real estate to the District
197	4-14-1964	Annexing adjacent real estate to the District
202	9-21-1964	Annexing adjacent real estate to the District
203	2-11-1965	Annexing adjacent real estate to the District
206	5-13-1965	Annexation for Jackson Street
205	4-19-1965	Annexation for surrounded territory
210	5-13-1965	Annexation of surrounded territory
211	6-14-1965	Annexing additional real estate to the District
219	5-13-1966	Annexing adjacent real estate to the District
219A	6-14-1966	Annexing contiguous territory
221	12-13-1966	Amending an ordinance annexing adjacent real estate to the District
222	12-13-1966	Amending an ordinance annexing adjacent real estate to the District
223	1-20-1967	Annexing adjacent real estate to the District
225	3-17-1967	Annexing adjacent real estate to the District
232	12-15-1967	Annexing adjacent real estate to the District
236	2-13-1968	Annexation of surrounded territory
239	5-16-1968	Annexing adjacent real estate to the District
244	11-13-1968	Annexing adjacent real estate to the District
243	12-9-1968	Annexing adjacent real estate to the District
248	6-12-1969	Annexing adjacent real estate to the District
253	12-2-1969	Annexing adjacent real estate to the District
254	12-11-1969	Annexing adjacent real estate to the District

Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
255	12-11-1969	Annexing adjacent real estate to the District
257	3-12-1970	Annexing adjacent real estate to the District
258	3-12-1970	Annexing adjacent real estate to the District
262	3-30-1970	Annexing territory contiguous to the District being served under contractual agreement
263	4-14-1970	Annexing adjacent real estate to the District
264	4-14-1970	Annexing adjacent real estate to the District
268	5-13-1970	Annexing adjacent real estate to the District
271	8-13-1970	Annexing territory to the District being served under contract which has become contiguous to the District
277	11-12-1970	Annexing adjacent real estate to the District - Petitioners: Miller Builders, Inc.
278	12-10-1970	Annexing adjacent real estate to the District - Petitioners: John M. Muellers, et ux.
279	12-10-1970	Annexing adjacent real estate to the District - Petitioners: L.H. Schroeder, et ux.
280	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Garr A. Becker, et al.
281	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Abe Bulhuis, et al.
282	12-10-1970	Annexing adjacent real estate to the District - Petitioners: John R. Ferree, et ux.
283	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Stephen C. Wilkey, et al.
284	12-10-1970	Annexing adjacent real estate to the District - Petitioners: James H. Wehrenberg, et ux.
285	12-10-1970	Annexing adjacent real estate to the District - Petitioners: River Forest State Bank and Trust Company, as Trustee under Trust number 1461
286	12-10-1970	Annexing adjacent real estate to the District - Petitioner: H.A. Stade
287	12-10-1970	Annexing adjacent real estate to the District - Petitioner: Martin A. Oemig, Jr., et ux.
288	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Cornelius Varden Kent, et ux.
289	12-10-1970	Annexing adjacent real estate to the District - Petitioners: E.B. Urann, et al.
290	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Chicago Title and Trust Company as Trustee under Trust number 43023
291	12-10-1970	Annexing real estate to the District - Petitioners: Ray Pawley, et ux.

Flagg Creek Water Reclamation District - Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
292	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Earl Cielenski, et al.
293	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Builders Supply and Lumber Company
294	12-10-1970	Annexing adjacent real estate to the District - Petitioners: John H. Vogler, et ux.
295	12-10-1970	Annexing adjacent real estate to the District - Petitioners: Robert E. Kramer, et al.
296	3-11-1971	Annexing territory to the District being served under contract which has become contiguous to the District
297	3-11-1971	Annexing territory to the District being served under contract which has become contiguous to the District
298	3-11-1971	Annexing adjacent real estate to the District - Petitioner: H.A. Stade
299	3-11-1971	Annexing adjacent real estate to the District - Petitioners: LaGrange State Bank as Trustee under Trust Agreement 648, et al.
300	4-8-1971	Annexing adjacent real estate to the District - Petitioners: Rhea R. Peplow, et al.
305	8-12-1971	Annexing adjacent real estate to the District - Petitioners: Cliff Kohlmeyer
306	8-12-1971	Annexing adjacent real estate to the District - Petitioners: Robert A. Cynowa, et ux.
308	9-9-1971	Annexing adjacent real estate to the District - Petitioners: Diane A. Breauche, et al., Circuit Court of DuPage County, case number C71-841
309	1-13-1972	Annexation for surrounded territory
310	1-13-1972	Annexation for surrounded territory
311	1-13-1972	Annexation for surrounded territory
312	1-13-1972	Annexation for surrounded territory
313	1-13-1972	Annexation for surrounded territory
314	2-10-1972	Annexing adjacent real estate to the District - Petitioners: Donald H. Shultz, et al., Circuit Court of DuPage County, case number C-71-1896
315	2-10-1972	Annexing territory to the District being served under contract which has become contiguous to the District
316	3-9-1972	Annexing adjacent real estate to the District - Petitioner: H.A. Stade
317	3-9-1972	Annexation for surrounded territory
318	3-9-1972	Annexation for surrounded territory
319	3-9-1972	Annexation for surrounded territory

Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
320	4-13-1972	Annexation for surrounded territory
325	7-13-1972	Annexing territory to the District being served under contract which has become contiguous to the District
326	8-10-1972	Annexing territory to the District being served under contract which has become contiguous to the District
327	8-10-1972	Annexing adjacent real estate to the District - Petitioner: Erene V. Maher
328	8-10-1972	Annexation for surrounded territory
329	8-10-1972	Annexation for surrounded territory
330	8-10-1972	Annexation for surrounded territory
331	8-10-1972	Annexing territory to the District being served under contract which has become contiguous to the District
332	8-10-1972	Annexing adjacent real estate to the District - Petitioners: Gary - Wheaton Bank, as Trustee under Trust Agreement dated 1-26-1970, and known as Trust number 1161, and George W. Lawn and Catherine M. Lawn
336	10-12-1972	Annexing adjacent real estate to the District - Petitioners: Orrin Dressler and Chicago Title and Trust Company, as Trustees under Trust number 58607
337	10-12-1972	Annexing adjacent real estate to the District - Petitioners: Charles George, et al.
338	10-12-1972	Annexing territory to the District being served under contract which has become contiguous to the District
341	2-8-1973	Annexing adjacent real estate to the District - Petitioners: Hazdra Homes, Inc., M.L. Vokal and Eileen L. Elliott
345	3-26-1973	Annexing to the District certain territory situated within DuPage County and served by the District
346	4-12-1973	Annexing adjacent real estate to the District - Petitioners: Joseph Cirillo and Barbara Cirillo, et al.
347	4-12-1973	Annexing adjacent real estate to the District - Petitioners: Chicago Title and Trust Company as Trustee under Trust number 60653
352	6-14-1973	Annexing territory to the District being served under contract which has become contiguous to the District
353	6-14-1973	Annexing territory to the District being served under contract which has become contiguous to the District
354	6-14-1973	Annexing territory to the District being served under contract which has become contiguous to the District
355	6-14-1973	Annexing adjacent real estate to the District - Petitioners: H.A. Stade
356	6-14-1973	Annexing adjacent real estate to the District - Petitioners: George Grilli and Aina Grilli

Flagg Creek Water Reclamation District - Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
361	7-12-1973	Annexing adjacent real estate to the District - Petitioners: William Trefelner and Dolores Trefelner
362	7-12-1973	Annexing adjacent real estate to the District - Petitioners: Midwest Bank & Trust Co., Trustee UTA 71-03-559, Robert Figarelli and William Grace
369	1-10-1974	Annexing adjacent real estate to the District - Petitioners: Connecticut Mutual Life Insurance Company, Greenebaum Equities Corporation and Triangle Realty Corporation
370	1-24-1974	Annexation for surrounding territory
371	1-24-1974	Annexing territory to the District being served under contract which has become contiguous to the District
372	1-24-1974	Annexing territory to the District being served under contract which has become contiguous to the District
373	2-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
374	2-28-1974	Annexing territory to the District being served under contract which has become contiguous to the District
376	3-14-1974	Annexing real estate to the District - Petitioners: Central National Bank in Chicago, as Trustee u/t #19636, Michigan Avenue National Bank of Chicago, as Trustee u/t #2356, and Gary Wheaton Bank, as Trustee u/t #1975
377	3-14-1974	Annexing adjacent real estate to the District - Petitioners: Charles G. Ferguson, et al.
378	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
379	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
380	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
381	3-14-1974	Annexing adjacent real estate to the District - Petitioners: Suburban Trust and Savings Bank, as Trustee u/t #2597
382	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
383	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
384	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
385	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
386	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District

Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
387	3-14-1974	Annexation for surrounded territory
388	3-14-1974	Annexing territory to the District being served under contract which has become contiguous to the District
389	3-28-1974	Annexation for surrounded territory
395	6-25-1974	Annexing territory to the District being served under contract which has become contiguous to the District
396	6-25-1974	Annexing adjacent real estate to the District - Petitioners: Oak Brook Christian Center
398	7-25-1974	Annexing adjacent real estate to the District
400	8-23-1974	Annexing territory to the District being served under contract which has become contiguous to the territory
401	9-5-1974	Annexing territory to the District being served under contract which has become contiguous to the District
402	9-5-1974	Annexation for surrounded territory
403	10-10-1974	Annexing adjacent real estate to the District - Petitioners: Seton Montessori School
406	1-23-1975	Annexing adjacent real estate to the District - Petitioners: Mary Liebler, et al.
407	1-23-1975	Annexing adjacent real estate to the District - Petitioners: James Bradley, et al.
412	6-12-1975	Annexing adjacent real estate to the District - Petitioners: Butler Company, Paul Butler Properties, Inc., Del E. Webb Properties, Inc. d/b/a Oakbrook Development Company
413	6-26-1975	Annexing adjacent real estate to the District - Petitioners: James P. McDonnell, et al.
415	7-24-1975	Annexing adjacent real estate to the District - Petitioner: Eaton Corp.
423	12-11-1975	Annexing contiguous real estate to the District - Petitioners: County Board of School Trustees of DuPage County
429	5-27-1976	Annexing adjacent real estate to the district - Petitioners: West Suburban Bank as Trustee under a Trust Agreement dated 3-18-1976 and known as Trust number 965 of which Nicholas Soppi is the beneficiary
430	5-27-1976	Annexing adjacent real estate to the District - Petitioners: Harold Havenga, George Vos and Albert J. Havenga
431	5-27-1976	Annexing adjacent real estate to the District - Petitioner: Ruby Zimmerman
432	5-27-1976	Annexing adjacent real estate to the District - Petitioner: Chicago Title and Trust Company as Trustee and not personally under Trust number 35226
436	10-14-1976	Annexing adjacent real estate to the District - Petitioners: John and Gladys E. Connolly

Flagg Creek Water Reclamation District - Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
437	11-16-1976	Annexing adjacent real estate to the District - Petitioners: Steve Meyers, Laddie Koutsky and John Wm. Mares
438	1-13-1977	Annexing adjacent real estate to the District - Petitioners: Victor Jagualis, Betty Jagualis, Laima A. Glavinskas and Albert J. Glavinskas
440	5-12-1977	Annexing adjacent real estate to the District - Petitioners: Jeffrey Gilbert Sorensen
445	7-14-1977	Annexing adjacent real estate to the District - Petitioners: Trust Agreement, number 15247, Cosmopolitan National Bank of Chicago, Saballus
447	7-28-1977	Annexing adjacent real estate to the District
452	10-13-1977	Annexing adjacent real estate to the District
454	2-9-1978	Annexing adjacent real estate to the District
456	3-23-1978	Annexing adjacent real estate to the District
457	3-23-1978	Annexing adjacent real estate to the District
459	4-13-1978	Annexing adjacent real estate to the District
460	4-27-1978	Annexing adjacent real estate to the District
464	5-25-1978	Annexing adjacent real estate to the District
465	6-8-1978	Annexing certain land to the District
466	6-22-1978	Annexing adjacent real estate to the District
467	6-22-1978	Annexing adjacent real estate to the District
468	6-22-1978	Annexing adjacent real estate to the District
472	7-13-1978	Annexing adjacent real estate to the District
476	9-28-1978	Annexing adjacent real estate to the District
477	10-12-1978	Annexing adjacent real estate to the District
478	10-12-1978	Annexing adjacent real estate to the District
480	12-28-1978	Annexing adjacent real estate to the District
481	2-8-1979	Annexing adjacent real estate to the District
482	3-8-1979	Annexing adjacent real estate to the District
483	4-26-1979	Annexing adjacent real estate to the District
486	5-24-1979	Annexing adjacent real estate to the District
488	6-14-1979	Annexing adjacent real estate presently being served by the District to the District
489	6-14-1979	Annexing adjacent real estate presently being served by the District to the District

Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
490	6-14-1979	Annexing adjacent real estate presently being served by the District to the District
491	6-14-1979	Annexing adjacent real estate presently being served by the District to the District
493	7-12-1979	Annexing adjacent real estate to the District
496	9-27-1979	Annexing adjacent real estate to the District
497	9-27-1979	Annexing adjacent real estate to the District
498	11-8-1979	Annexing adjacent real estate to the District
500	1-24-1980	Annexing adjacent real estate to the District
501	1-24-1980	Annexing adjacent real estate to the District
503	2-28-1980	Annexing adjacent real estate presently being served by the District to the District
507	5-8-1980	Annexing adjacent real estate presently being served by the District to the District
509	5-22-1980	Annexing adjacent real estate to the District
510	6-12-1980	Annexing adjacent real estate presently being served by the District to the District
511	6-12-1980	Annexing adjacent real estate presently being served by the District to the District
512	6-12-1980	Annexing adjacent real estate presently being served by the District to the District
516	8-14-1980	Annexing adjacent real estate presently being served by the District to the District
518	9-25-1980	Annexing adjacent real estate presently being served by the District to the District
521	11-13-1980	Annexing adjacent real estate presently being served by the District to the District
523	1-22-1981	Annexing adjacent real estate presently being served by the District to the District
524	1-22-1981	Annexing adjacent real estate presently being served by the District to the District
525	1-22-1981	Annexing adjacent real estate presently being served by the District to the District
526	1-22-1981	Annexing adjacent real estate presently being served by the District to the District

Flagg Creek Water Reclamation District - Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
527	1-22-1981	Annexing adjacent real estate presently being served by the District to the District
528	1-22-1981	Annexing adjacent real estate presently being served by the District to the District
529	1-22-1981	Annexing adjacent real estate presently being served by the District to the District
530	2-12-1981	Annexing adjacent real estate presently being served by the District to the District
531	2-12-1981	Annexing adjacent real estate presently being served by the District to the District
532	4-9-1981	Annexing adjacent real estate to the District
533	4-9-1981	Annexing adjacent real estate presently being served by the District to the District
538	5-28-1981	Annexing adjacent real estate to the District
539	6-11-1981	Annexing adjacent real estate presently being served by the District to the District
540	6-11-1981	Annexing adjacent territory dedicated or used for highway purposes to the District
541	6-11-1981	Annexing adjacent real estate to the District
542	6-11-1981	Annexing adjacent real estate presently being served by the District to the District
544	6-11-1981	Annexing adjacent real estate to the District
545	6-11-1981	Annexing adjacent real estate to the District
546	6-11-1981	Annexing adjacent real estate to the District
547	6-11-1981	Annexing adjacent real estate to the District
548	6-11-1981	Annexing adjacent real estate to the District
549	6-11-1981	Annexing adjacent real estate to the District
550	6-11-1981	Annexing adjacent real estate to the District
551	6-11-1981	Annexing adjacent real estate to the District
552	6-25-1981	Annexing adjacent real estate presently being served by the District to the District
553	6-25-1981	Annexing adjacent real estate presently being served by the District to the District
555	7-23-1981	Annexing adjacent real estate presently being served by the District to the District

Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
556	7-23-1981	Annexing adjacent real estate to the District
561	4-8-1982	Annexing adjacent real estate to the District
562	4-8-1982	Annexing adjacent real estate presently being served by the District to the District
563	4-8-1982	Annexing adjacent real estate presently being served by the District to the District
566	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
567	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
568	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
569	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
570	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
571	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
572	5-13-1982	Annexing adjacent real estate presently being served by the District to the District
576	8-19-1982	Annexing adjacent real estate presently being served by the District to the District
577	9-16-1982	Annexing adjacent real estate presently being served by the District to the District
578	10-14-1982	Annexing adjacent real estate presently being served by the District to the District
579	10-14-1982	Annexing adjacent real estate presently being served by the District to the District
580	10-14-1982	Annexing adjacent real estate to the District
581	11-18-1982	Annexing adjacent real estate presently being served by the District to the District
582	11-18-1982	Annexing adjacent real estate presently being served by the District to the District
583	11-18-1982	Annexing adjacent real estate presently being served by the District to the District
585	11-18-1982	Annexing adjacent real estate presently being served by the District to the District

Flagg Creek Water Reclamation District - Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
588	2-10-1983	Annexing adjacent real estate presently being served by the District to the District
593	9-8-1983	Annexing adjacent real estate presently being served by the District to the District
594	9-8-1983	Annexing adjacent real estate presently being served by the District to the District
595	10-12-1983	Annexing adjacent real estate to the District
596	10-12-1983	Annexing adjacent real estate presently being served by the District to the District
597	10-12-1983	Annexing adjacent real estate presently being served by the District to the District
598	10-12-1983	Annexing adjacent real estate presently being served by the District to the District
599	10-12-1983	Annexing adjacent real estate to the District
600	11-10-1983	Annexing adjacent real estate presently being served by the District to the District
601	11-10-1983	Annexing adjacent real estate presently being served by the District to the District
602	11-10-1983	Annexing adjacent real estate presently being served by the District to the District
604	12-8-1983	Annexing adjacent real estate presently being served by the District to the District
605	12-8-1983	Annexing adjacent real estate presently being served by the District to the District
607	2-9-1984	Annexing adjacent real estate presently being served by the District to the District
610	5-17-1984	Annexing adjacent real estate to the District
614	9-20-1984	Annexing adjacent real estate to the District
615	11-15-1984	Annexing adjacent real estate to the District
616	11-15-1984	Annexing adjacent real estate to the District
617	12-14-1984	Annexing adjacent real estate to the District
618	1-17-1985	Annexing adjacent real estate to the District
619	1-17-1985	Annexing adjacent real estate to the District
620	3-14-1985	Annexing adjacent real estate to the District
621	4-11-1985	Annexing adjacent real estate to the District

Annexations and Detachments

<i>Ordinance Number</i>	<i>Passage Date</i>	<i>Brief Description</i>
624	6-13-1985	Annexing adjacent real estate to the District
627	8-15-1985	Annexing adjacent real estate to the District
629-A	9-19-1985	Annexing adjacent real estate to the District
631	11-14-1985	Annexing adjacent real estate to the District
632	11-14-1985	Annexing adjacent real estate to the District
640	7-10-1986	Annexing adjacent real estate to the District
644	2-19-1987	Annexing adjacent real estate to the District
648	4-16-1987	Annexing adjacent real estate presently being served by the District to the District
649	4-16-1987	Annexing adjacent real estate presently being served by the District to the District
650	4-16-1987	Annexing adjacent real estate presently being served by the District to the District
658	4-21-1988	Disconnecting territory
664	7-14-1988	Annexing adjacent real estate to the District
665	1-18-1989	Annexing adjacent real estate presently being served by the District to the District
672	8-10-1989	Annexing adjacent real estate to the District
679	5-9-1991	Annexing adjacent real estate to the District
681	11-14-1991	Annexing adjacent real estate to the District
796	1-19-2006	Annexing adjacent territory to the District upon the petition of the owner thereof, there being no electors residing thereon - Oliviabrook Town Home Development

PARALLEL REFERENCES

References to Illinois Compiled Statutes
References to Prior Code
References to Ordinances

REFERENCES TO ILLINOIS COMPILED STATUTES

<i>ICLS Cites</i>	<i>Code Section</i>
5 ILCS 120/1 to 5 ILCS 120/7.5	3-1.03
5 ILCS 315/3	50-1.02
5 ILCS 430/10-10 et seq.	50-1.01
10 ILCS 5/1-3	50-1.02
10 ILCS 5/9-1.4	50-1.02
10 ILCS 5/9-3	50-1.02
50 ILCS 330/3	49-1.02
65 ILCS 5/9-2-1 et seq.	49-1.03
65 ILCS 5/9-2-7	7-1.07
65 ILCS 5/9-2-100	49-1.03
65 ILCS 5/9-2-100 et seq.	49-1.03
65 ILCS 5/9-2-104	49-1.03
65 ILCS 5/9-2-105	49-1.04
65 ILCS 5/9-103	49-1.03
65 ILCS 5/11-76-2	26-1.03, 26-1.06
70 ILCS 2405/	Ch. 1, 3-1.02, 8-1.01, 22-1.04, 26-1.01
70 ILCS 2405/1 et seq.	42-1.01, 49-1.03
70 ILCS 2405/6.1	29-1.01
70 ILCS 2405/7	Ch. 1, 19-1.01
70 ILCS 2405/8	26-1.02
70 ILCS 2405/8 et seq.	25-1.01
70 ILCS 2405/11	49-1.03
70 ILCS 2405/18	22-1.04, 27-1.01
70 ILCS 2405/22a1	Ch. 1
70 ILCS 2805/	Ch. 1
415 ILCS 5/1	Ch. 1
415 ILCS 5/22.30(d)	Ch. 1
415 ILCS 5/22.30(e)	Ch. 1, 37-3.04
720 ILCS 5/33E	49-1.03
720 ILCS 5/33E-1	49-1.03
720 ILCS 5/33E-2	49-1.03
720 ILCS 5/33E-3	49-1.03
720 ILCS 5/33E-4	49-1.03

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<i>ICLS Cites</i>	<i>Code Section</i>
720 ILCS 5/33E-5	49-1.03
720 ILCS 5/33E-6	49-1.03
720 ILCS 5/33E-7	49-1.03
720 ILCS 5/33E-8	49-1.03
720 ILCS 5/33E-9	49-1.03
720 ILCS 5/33E-10	49-1.03
720 ILCS 5/33E-11	49-1.03
735 ILCS 5/3-101 et seq.	37-8.04, 46-1.13
735 ILCS 30/	25-1.02
775 ILCS 5/2/105	49-1.03
820 ILCS 130	49-1.03, 49-1.04
820 ILCS 130/1 et seq.	52-1.01
820 ILCS 130/4	49-1.03
820 ILCS 130/5	49-1.03
820 ILCS 130/6	49-1.03
820 ILCS 130/9	49-1.03
820 ILCS 130/11a	49-1.03

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<i>Prior Code Section</i>	<i>2022 Code Section</i>
Ch. 1	Ch. 1
2-1.01	2-1.01
2-1.02	2-1.02
2-1.03	2-1.03
2-1.04	2-1.04
3-1.01	3-1.01
3-1.02	3-1.02
3-1.03	3-1.03
3-1.04	3-1.04
3-1.05	3-1.05
3-1.06	3-1.06
4-1.01	4-1.01
4-1.02	4-1.02
4-1.03	4-1.03
4-1.04	4-1.04
5-1.01	5-1.01
5-1.02	5-1.02
5-1.03	5-1.03
5-1.04	5-1.04
5-1.05	5-1.05
5-1.06	5-1.06
5-1.07	5-1.07
6-1.01	6-1.01
6-1.02	6-1.02
6-1.03	6-1.03
6-1.04	6-1.04
6-1.05	6-1.05
6-2.01	6-2.01
6-2.02	6-2.02
6-2.03	6-2.03
6-2.04	6-2.04
6-2.05	6-2.05
6-3.01	6-3.01

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<i>Prior Code Section</i>	<i>2022 Code Section</i>
6-3.02	6-3.02
6-3.03	6-3.03
6-4.01	6-4.01
6-4.02	6-4.02
6-4.03	6-4.03
7-1.01	7-1.01
7-1.02	7-1.02
8-1.01	8-1.01
8-1.02	8-1.02
8-1.03	8-1.03
8-1.04	8-1.04
8-1.05	8-1.05
8-1.06	8-1.06
8-1.07	8-1.07
8-1.08	8-1.08
9-1.01	9-1.01
9-1.02	9-1.02
9-1.03	9-1.03
9-1.04	9-1.04
9-1.05	9-1.05
10-1.01	10-1.01
10-1.02	10-1.02
11-1.01	11-1.01
11-1.02	11-1.02
11-1.03	11-1.03
11-1.04	11-1.04
11-1.05	11-1.05
12-1.01	12-1.01
12-1.02	12-1.02
12-1.03	12-1.03
12-1.04	12-1.04
12-1.05	12-1.05
12-1.06	12-1.06
12-1.07	12-1.07
12-1.08	12-1.08
12-1.09	12-1.09
12-1.10	12-1.10
12-1.11	12-1.11
12-1.12	12-1.12
12-1.13	12-1.13

References to Prior Code

<i>Prior Code Section</i>	<i>2022 Code Section</i>
12-1.14	12-1.14
13-1.01	13-1.01
13-1.02	13-1.02
13-1.03	13-1.03
13-1.04	13-1.04
13-1.05	13-1.05
13-1.06	13-1.06
13-1.07	13-1.07
13-2.01	13-2.01
13-2.02	13-2.02
13-2.03	13-2.03
13-2.04	13-2.04
13-2.05	13-2.05
13-2.06	13-2.06
14-1.01	14-1.01
14-1.02	14-1.02
14-1.03	14-1.03
14-1.04	14-1.04
14-1.05	14-1.05
14-1.06	14-1.06
14-1.07	14-1.07
14-1.08	14-1.08
14-1.09	14-1.09
14-1.10	14-1.10
14-1.11	14-1.11
14-1.12	14-1.12
14-1.13	14-1.13
14-1.14	14-1.14
14-1.15	14-1.15
14-1.16	14-1.16
14-1.17	14-1.17
14-1.18	14-1.18
15-1.01	15-1.01
15-1.02	15-1.02
15-1.03	15-1.03
15-1.04	15-1.04
15-1.05	15-1.05
15-1.06	15-1.06
16-1.01	16-1.01
16-1.02	16-1.02

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<i>Prior Code Section</i>	<i>2022 Code Section</i>
16-1.03	16-1.03
16-1.04	16-1.04
16-2.01	16-2.01
16-2.02	16-2.02
16-2.03	16-2.03
16-2.04	16-2.04
16-2.05	16-2.05
16-2.06	16-2.06
16-2.07	16-2.07
16-2.08	16-2.08
16-2.09	16-2.09
16-2.10	16-2.10
16-2.11	16-2.11
16-3.01	16-3.01
16-3.02	16-3.02
16-3.03	16-3.03
16-3.04	16-3.04
16-3.05	16-3.05
16-3.06	16-3.06
16-3.07	16-3.07
16-3.08	16-3.08
16-3.09	16-3.09
16-3.10	16-3.10
16-4.01	16-4.01
16-5.01	16-5.01
16-6.01	16-6.01
16-6.02	16-6.02
16-7.01	16-7.01
16-8.01	16-8.01
17-1.01	17-1.01
17-1.02	17-1.02
17-1.03	17-1.03
17-1.04	17-1.04
17-1.05	17-1.05
18-1.01	18-1.01
18-1.02	18-1.02
18-1.03	18-1.03
18-1.04	18-1.04
18-1.05	18-1.05
20-1.01	20-1.01

<i>Prior Code Section</i>	<i>2022 Code Section</i>
20-1.02	20-1.02
20-1.03	20-1.03
20-1.04	20-1.04
20-1.05	20-1.05
20-1.06	20-1.06
20-1.07	20-1.07
21-1.01	21-1.01
21-1.02	21-1.02
21-1.03	21-1.03
21-1.04	21-1.04
21-1.05	21-1.05
22-1.01	22-1.01
22-1.02	22-1.02
22-1.03	22-1.03
22-1.04	22-1.04
22-1.05	22-1.05
22-1.06	22-1.06
22-1.07	22-1.07
22-1.08	22-1.08
22-1.09	22-1.09
22-1.10	22-1.10
22-1.11	22-1.11
22-1.12	22-1.12
22-1.13	22-1.13
22-1.14	22-1.14
22-1.15	22-1.15
22-1.16	22-1.16
22-1.17	22-1.17
22-1.18	22-1.18
22-1.19	22-1.19
22-1.20	22-1.20
22-1.21	22-1.21
22-1.22	22-1.22
22-1.23	22-1.23
22-1.24	22-1.24
22-1.25	22-1.25
22-1.26	22-1.26
22-1.27	22-1.27
22-1.28	22-1.28
22-1.29	22-1.29

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22-1.30	22-1.30
22-1.31	22-1.31
22-1.32	22-1.32
22-1.33	22-1.33
23-1.01	23-1.01
23-1.02	23-1.02
23-1.03	23-1.03
23-1.04	23-1.04
23-1.05	23-1.05
23-1.06	23-1.06
23-1.07	23-1.07
23-1.08	23-1.08
23-1.09	23-1.09
23-1.10	23-1.10
26-1.01	26-1.01
26-1.02	26-1.02
26-1.03	26-1.03
26-1.04	26-1.04
26-1.05	26-1.05
26-1.06	26-1.06
27-1.01	27-1.01
27-1.02	27-1.02
27-1.03	27-1.03
27-1.04	27-1.04
27-1.05	27-1.05
27-1.06	27-1.06
28-1.01	28-1.01
28-1.02	28-1.02
28-1.03	28-1.03
28-1.04	28-1.04
28-1.05	28-1.05
28-1.06	28-1.06
28-1.07	28-1.07
29-1.01	29-1.01
29-1.02	29-1.02
29-1.03	29-1.03
29-1.04	29-1.04
29-1.05	29-1.05
29-1.06	29-1.06
29-1.07	29-1.07

<i>Prior Code Section</i>	<i>2022 Code Section</i>
30-1.01	30-1.01
30-1.02	30-1.02
30-1.03	30-1.03
30-1.04	30-1.04
31-1.01	31-1.01
31-1.02	31-1.02
31-1.03	31-1.03
32-1.01	32-1.01
32-1.02	32-1.02
32-1.03	32-1.03
33-1.01	33-1.01
33-1.02	33-1.02
33-1.03	33-1.03
33-1.04	33-1.04
34-1.01	34-1.01
34-1.02	34-1.02
35-1.01	35-1.01
35-1.02	35-1.02
35-1.03	35-1.03
36-1.01	36-1.01

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
6	4-19-1928	51-2.01
46	11-14-1935	51-2.01
118	1-22-1953	57-1.01
131	9-13-1955	57-1.01
132	1-19-1956	57-1.01
140	7-25-1957	57-1.01
143	12-12-1957	57-1.01
146	5-8-1958	57-1.01
148	6-12-1958	57-1.01
149	6-12-1958	57-1.01
151	1-23-1959	57-1.01
152	2-12-1959	51-2.01
153	3-12-1959	57-1.01
162	3-14-1961	57-1.01
163	3-14-1961	57-1.01
164	4-22-1961	55-1.01
170	8-3-1961	57-1.01
171	9-14-1961	57-1.01
172	1-16-1962	57-1.01
173	3-6-1962	57-1.01
175	3-6-1962	57-1.01
176	6-13-1962	57-1.01
177	4-12-1962	57-1.01
181	7-24-1962	57-1.01
183	9-11-1962	57-1.01
184	10-15-1962	57-1.01
174	11-9-1962	57-1.01
185	11-13-1962	57-1.01
186	12-11-1962	57-1.01
187	4-9-1963	57-1.01
189	5-7-1963	57-1.01
193	1-14-1964	57-1.01
196	4-14-1964	55-1.01

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197	4-14-1964	57-1.01
202	9-21-1964	57-1.01
203	2-11-1965	57-1.01
205	4-19-1965	57-1.01
206	5-13-1965	57-1.01
210	5-13-1965	57-1.01
211	6-14-1965	57-1.01
219	5-13-1966	57-1.01
219A	6-14-1966	57-1.01
221	12-13-1966	57-1.01
222	12-13-1966	57-1.01
223	1-20-1967	57-1.01
225	3-17-1967	57-1.01
232	12-15-1967	57-1.01
236	2-13-1968	57-1.01
239	5-16-1968	57-1.01
244	11-13-1968	57-1.01
242	12-9-1968	56-1.01
243	12-9-1968	57-1.01
248	6-12-1969	57-1.01
253	12-2-1969	57-1.01
254	12-11-1969	57-1.01
255	12-11-1969	57-1.01
257	3-12-1970	57-1.01
258	3-12-1970	57-1.01
260	3-12-1970	55-1.01
262	3-30-1970	57-1.01
263	4-14-1970	57-1.01
264	4-14-1970	57-1.01
268	5-13-1970	57-1.01
271	8-13-1970	57-1.01
274	9-15-1970	56-1.01
276	10-8-1970	51-2.01
277	11-12-1970	57-1.01
278	12-10-1970	57-1.01
279	12-10-1970	57-1.01
280	12-10-1970	57-1.01
281	12-10-1970	57-1.01
282	12-10-1970	57-1.01
283	12-10-1970	57-1.01

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284	12-10-1970	57-1.01
285	12-10-1970	57-1.01
286	12-10-1970	57-1.01
287	12-10-1970	57-1.01
288	12-10-1970	57-1.01
289	12-10-1970	57-1.01
290	12-10-1970	57-1.01
291	12-10-1970	57-1.01
292	12-10-1970	57-1.01
293	12-10-1970	57-1.01
294	12-10-1970	57-1.01
295	12-10-1970	57-1.01
296	3-11-1971	57-1.01
297	3-11-1971	57-1.01
298	3-11-1971	57-1.01
299	3-11-1971	57-1.01
300	4-8-1971	57-1.01
303	5-13-1971	55-1.01
305	8-12-1971	57-1.01
306	8-12-1971	57-1.01
308	9-9-1971	57-1.01
309	1-13-1972	57-1.01
310	1-13-1972	57-1.01
311	1-13-1972	57-1.01
312	1-13-1972	57-1.01
313	1-13-1972	57-1.01
314	2-10-1972	57-1.01
315	2-10-1972	57-1.01
316	3-9-1972	57-1.01
317	3-9-1972	57-1.01
318	3-9-1972	57-1.01
319	3-9-1972	57-1.01
320	4-13-1972	57-1.01
325	7-13-1972	57-1.01
326	8-10-1972	57-1.01
327	8-10-1972	57-1.01
328	8-10-1972	57-1.01
329	8-10-1972	57-1.01
330	8-10-1972	57-1.01
331	8-10-1972	57-1.01

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332	8-10-1972	57-1.01
335	9-14-1972	55-1.01
336	10-12-1972	57-1.01
337	10-12-1972	57-1.01
338	10-12-1972	57-1.01
340	1-29-1973	51-2.01
341	2-8-1973	57-1.01
345	3-26-1973	57-1.01
346	4-12-1973	57-1.01
347	4-12-1973	57-1.01
352	6-14-1973	57-1.01
353	6-14-1973	57-1.01
354	6-14-1973	57-1.01
355	6-14-1973	57-1.01
356	6-14-1973	57-1.01
361	7-12-1973	57-1.01
362	7-12-1973	57-1.01
369	1-10-1974	57-1.01
370	1-24-1974	57-1.01
371	1-24-1974	57-1.01
372	1-24-1974	57-1.01
373	2-14-1974	57-1.01
374	2-28-1974	57-1.01
376	3-14-1974	57-1.01
377	3-14-1974	57-1.01
378	3-14-1974	57-1.01
379	3-14-1974	57-1.01
380	3-14-1974	57-1.01
381	3-14-1974	57-1.01
382	3-14-1974	57-1.01
383	3-14-1974	57-1.01
384	3-14-1974	57-1.01
385	3-14-1974	57-1.01
386	3-14-1974	57-1.01
387	3-14-1974	57-1.01
388	3-14-1974	57-1.01
389	3-28-1974	57-1.01
395	6-25-1974	57-1.01
396	6-25-1974	57-1.01
397	7-11-1974	56-1.01

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398	7-25-1974	57-1.01
400	8-23-1974	57-1.01
401	9-5-1974	57-1.01
402	9-5-1974	57-1.01
403	10-10-1974	57-1.01
406	1-23-1975	57-1.01
407	1-23-1975	57-1.01
408	5-8-1975	56-1.01
412	6-12-1975	57-1.01
413	6-26-1975	57-1.01
415	7-24-1975	57-1.01
417	9-6-1975	55-1.01
420	10-9-1975	55-1.01
422	11-13-1975	55-1.01
423	12-11-1975	57-1.01
424	2-26-1976	55-1.01
425	4-22-1976	9-1.07
429	5-27-1976	57-1.01
430	5-27-1976	57-1.01
431	5-27-1976	57-1.01
432	5-27-1976	57-1.01
433	7-8-1976	55-1.01
436	10-14-1976	57-1.01
437	11-16-1976	57-1.01
438	1-13-1977	57-1.01
440	5-12-1977	57-1.01
444	6-9-1977	55-1.01
445	7-14-1977	57-1.01
447	7-28-1977	57-1.01
452	10-13-1977	57-1.01
453	10-13-1977	9-1.07
454	2-9-1978	57-1.01
455	3-10-1978	9-1.07
456	3-23-1978	57-1.01
457	3-23-1978	57-1.01
458	4-13-1978	54-1.01
459	4-13-1978	57-1.01
460	4-27-1978	57-1.01
464	5-25-1978	57-1.01
465	6-8-1978	57-1.01

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466	6-22-1978	57-1.01
467	6-22-1978	57-1.01
468	6-22-1978	57-1.01
472	7-13-1978	57-1.01
476	9-28-1978	57-1.01
477	10-12-1978	57-1.01
478	10-12-1978	57-1.01
480	12-28-1978	57-1.01
481	2-8-1979	57-1.01
482	3-8-1979	57-1.01
483	4-26-1979	57-1.01
486	5-24-1979	57-1.01
488	6-14-1979	57-1.01
489	6-14-1979	57-1.01
490	6-14-1979	57-1.01
491	6-14-1979	57-1.01
493	7-12-1979	57-1.01
496	9-27-1979	57-1.01
497	9-27-1979	57-1.01
498	11-8-1979	57-1.01
499	11-8-1979	48-2.01
500	1-24-1980	57-1.01
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