

AN ORDINANCE REGULATING THE USE
OF
SANITARY SEWERS

DOWNERS GROVE SANITARY DISTRICT
DOWNERS GROVE, ILLINOIS

LAST REVISION EFFECTIVE: April 9, 2023

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PREAMBLE

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE DOWNERS GROVE SANITARY DISTRICT TO REGULATE THE CONSTRUCTION AND USE OF SANITARY SEWERS AND REGULATE CONNECTIONS WITH OR USE OF ITS SEWERS AND APPURTENANCES AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF, IN THE DOWNERS GROVE SANITARY DISTRICT, DUPAGE COUNTY, ILLINOIS.

BE IT ORDAINED AND ENACTED BY THE BOARD OF TRUSTEES, DOWNERS GROVE SANITARY DISTRICT, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS.

ARTICLE I - DEFINITION OF TERMS

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

Section 1. "B.O.D." (denoting Bio-Chemical Oxygen Demand) shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade (20°C) expressed in parts per million by weights.

Section 2. "Building sanitary service" shall mean a sanitary sewer extending from any building structure to the public sanitary sewer or septic system, as the case may be.

Section 3. "Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

Section 4. "District" shall mean the Downers Grove Sanitary District.

Section 5. "Garbage" shall mean the waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Section 5(a). "Garbage Shredded" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-quarter inch in dimension.

Section 6. "His" - Wherever in this ordinance the word "his" is used it shall be construed to mean "his", "hers" or "its", consistent with the context of the section wherein the word "his" is used.

Section 7. "Industrial Waste" means 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.

Section 8. "Municipality" shall mean either the Village of Downers Grove, the Village of Westmont, the Village of Oak Brook, the Village of Woodridge, the City of Darien, the Village of Lombard, or the County of DuPage, as the case may be.

Section 9. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.

Section 10. "Persons" shall mean individual, firm, company, association, society, corporation or group.

Section 11. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 12. "Pollution" shall mean such alteration of physical, chemical or biological properties of any waters 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.

Section 13. "Private Sewage Disposal System" shall mean any arrangement of devices and structures used for treating wastewater on private property.

Section 14. "Public Sanitary Sewer" shall mean a sanitary sewer in which all owners of abutting properties within the District have equal rights and is controlled by the District.

Section 15. "Sanitary Sewer" or "Sewer" shall mean a pipe or conduit which carries wastewater and to which storm, surface, and ground waters are not intentionally permitted.

Section 16. "Sewage" shall mean and include water-carried domestic wastes and wastes discharged from the sanitary conveniences of residences, public buildings, institutions and industrial plants (other than industrial wastes from such plants).

Section 17. "Shall" is mandatory; "May" is permissive.

Section 18. "Storm Drain" or "Storm Sewer" shall mean a conduit or sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes.

Section 19. "Manager" shall mean the General Manager of the Downers Grove Sanitary District as appointed by the Board of Trustees.

Section 20. "Suspended Solids" shall mean 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.

Section 21. "Water Course" shall mean the channel in which a flow of water occurs, either continuously or intermittently.

Section 22. "Inspection manhole" shall mean a structure constructed for the purpose of measuring flow and sampling waste.

Section 23. "Mg/l" shall mean milligrams per liter.

Section 24. "Wastewater" shall mean sewage and industrial waste but excludes storm, surface and ground waters.

ARTICLE II - USE OF PUBLIC SEWERS

Section 1. 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 objectionable waste.

Section 2. It shall be unlawful to discharge wastewater, without an NPDES permit, to any natural outlet within the District or in any area under its jurisdiction.

Section 3. No person shall uncover any public sanitary sewer or building sanitary service in the District for any purpose or make any connection therewith or uncover any of the connection branches thereof, or other facilities in said District except on a written permit from the Manager.

Section 4. 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.

Section 4.1. The proper maintenance and operation of a building sanitary service to and including the point of connection (such as a 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 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.

Section 4.2. 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 sewers 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 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. A sump pump shall be used for one function only, either the discharge of storm waters or the discharge of wastewater.

Section 4.3. The Manager shall 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 Manager will advise the property owner, in writing, if any illegal connections are observed, and will advise on the matter of corrections for compliance with the provisions of this ordinance. If corrections are to be made, the District will, at no expense to the owner, make further inspection of the corrections to insure compliance with this ordinance.

Section 4.4. If entrance to property is denied an employee or agent of the District, the Manager 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 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, the Manager shall commence action to terminate sanitary sewer service to the property remaining in non-compliance.

Section 4.5. In the event any property is in non-compliance with the provisions of Subsection 4.3 or 4.4 after the 30 day notice, that property shall be deemed continuing in non-compliance until there is paid to the District a sum in United States currency equal to all costs incurred by the District, including but not limited to clerical costs, mailing costs, service fees, attorneys fees, court costs, and all other reasonable fees and expenses incurred in commencing action to terminate the sanitary sewer service to the property or in terminating or restoring sanitary sewer service to the property in non-compliance.

Section 4.6. 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. 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 illegal connections that may exist.

Section 5. Combined sewers shall not be constructed nor permitted.

Section 6. No person or persons shall connect to any sanitary sewer any private building cesspool, underground drain, privy, privy vault or any other channel conveying water or filth.

Section 7. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Manager, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease separators shall be required in all buildings or building sanitary services for meat packing plants, hotels, restaurants, and other institutions in which large numbers of meals are served.

Grit interceptors of a design approved by the Manager shall be required in all buildings or building sanitary services for garages, filling stations, automobile laundries or other establishments where grit is a factor.

Maintenance and operation of both grease separators and grit interceptors shall be performed in a manner satisfactory to the District.

Section 8. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, and in a continuously efficient operation, at all times.

Section 9. The owner or builder of any new house, building or structure to be used for human occupancy, employment, recreation or other purpose, hereinafter constructed on any property within the boundaries of the District where a public sanitary sewer is available for said property, shall be required, at his own expense, to connect said building to the public sanitary sewer of the District in accordance with the provisions of this ordinance.

Section 10. 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 a public sanitary sewer is available for said property and the present private sewage facilities for said house, building or structure are now or hereafter deemed defective, insufficient and ineffective by the proper officer of any municipality, shall be required, at his own expense, to connect said building to the public sanitary sewer of the District in accordance with the provisions of this ordinance.

Section 11. Whenever the duly authorized officer of any municipality located within the boundaries of said District, shall deem it advisable to require any owner of any property within said District to connect the building thereon 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 occupant of said property ordering the connection of said building to the public sanitary sewer of the District within ninety (90) days after date of such notice.

Section 12. The failure of any owner, tenant, occupant or builder to connect such building to the public sanitary sewer of the District within the specified period shall be deemed, held and construed to be in violation of this provision and punishable as hereinafter provided.

Section 13. No person shall make or cause to be made any connection with a public sanitary sewer in said District except under a written connection permit for the work issued by the District and upon payment of a connection charge based on the applicable sections set forth below. The total connection charge to be paid shall be comprised of amounts calculated under sections (b), (c), (d), (e), and (f).

(a) Definitions

- (1) Single Family Class - single family residential unit, including detached single family, duplex, two-flats, townhouses, and rowhouses.
 - (2) Multiple Family Class - residential buildings consisting of more than one dwelling unit, commonly referred to as apartment buildings, rental cooperatives, condominiums, etc.
 - (3) Commercial/Industrial Class - commercial and/or industrial buildings.
 - (4) Commercial/Residential Class - building used for both commercial and residential uses, including hospitals, nursing homes, hotels, motels, etc.
 - (5) Institutional Class - buildings used as schools, churches, or other governmental uses.
 - (6) Population Equivalent (P.E.) - One population equivalent is equal to 100 gallons of wastewater per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.
 - (7) District-built Service – the portion of a building sanitary service that has been funded for construction, repair or replacement by the District under any of its programs or in the course of its normal business.
- (b) An Inspection Fee shall be charged to cover the cost to the District of inspections of the installation of building sanitary services to ensure sanitary service lines are adequate and suitable for connection to the District and to insure compliance with District ordinances and regulations, as follows:
- (1) Single Family Class - \$260.00 per building sanitary service.
 - (2) All Other Classes - \$431.00 per building sanitary service or \$249.00 per building if no work on a building sanitary service is required.
- (c) A Tap-In Fee shall be charged for all connections to the District for the necessary construction, expansion, and extension of wastewater treatment plant facilities. The

tap-in fee shall be calculated upon a rate of \$1,075.00 per population equivalent (P.E.), and shall be assessed as follows:

- (1) Single Family Class - 3.5 P.E. per unit
- (2) Multiple Family Class -
Efficiency or studio apartment unit - 1.0 P.E. per unit
One bedroom apartment unit - 1.5 P.E. per unit
Two or three bedroom apartment unit - 3.0 P.E. per unit
- (3) All Other Classes - The population equivalent of all other building classes shall be determined by the Manager, based upon data submitted by the owner or developer, District experience with similar building types, or other generally accepted criteria. The population equivalent so determined shall be multiplied by the tap-in fee rate per population equivalent to calculate the tap-in fee for such a building. The District reserves the right to re-evaluate the tap-in fee after one year's full operation of the building to compare actual wastewater volumes and strengths with calculated values, and either reimburse overpaid charges or assess additional tap-in fees based upon the actual operation. The reimbursement of overpaid tap-in fees or the assessment of additional tap-in fees shall be made to the fee owner of the property as of the date of the District re-evaluation of said fees.

(d) A Trunk Sewer Service Charge shall be charged for the necessary construction, expansion, and extension of trunk sanitary sewer facilities. The trunk sewer service charge shall be calculated upon a rate of \$498.00 per population equivalent (P.E.) and shall be assessed as follows:

- (1) Single Family Class - 3.5 P.E. per unit
- (2) Multiple Family Class -
Efficiency or studio apartment unit - 1.0 P.E. per unit
One bedroom apartment unit - 1.5 P.E. per unit
Two or three bedroom apartment unit - 3.0 P.E. per unit
- (3) All Other Classes - The population equivalent of all other building classes shall be determined by the Manager, based upon data submitted by the owner or developer, District experience with similar building types, or other

generally accepted criteria. The population equivalent so determined shall be multiplied by the trunk sewer service charge rate per population equivalent to calculate the trunk sewer service charge.

- (4) Minimum Charges - The minimum trunk sewer service charge for commercial, industrial, or business use shall be \$12,450.00 per acre (25 P.E. per acre). The minimum trunk sewer service charge for all other uses shall be \$4,980.00 per acre (10 P.E. per acre).
 - (5) Special Trunk Sewer Service Charge Area - The trunk sewer service charge attributable to the Highland Woods Office Campus as described in Exhibit I shall be assessed at the minimum trunk sewer service charge for all other uses.
 - (6) For purposes of calculating trunk sewer service charges under this ordinance, parcel size shall be calculated as gross acres, which shall include to the centerline of all adjoining public streets, rights-of-way, alleys, etc.
 - (7) Trunk sewer service charges shall be assessed pursuant to Section 13.4 and Section 16 of Article II of this ordinance.
- (e) A Lateral Sewer Charge shall be charged for the necessary construction, expansion, and extension of lateral sanitary sewer facilities. The lateral sewer service charge shall be assessed whenever a building is to be connected to a public sanitary sewer which was installed at the expense of the District. The lateral sewer service charge shall be assessed as follows:
- (1) All Classes

\$13,861.00 per building sanitary service to near side property

\$10,041.00 per building sanitary service to far side property
 - (2) Near side property is located on the same side of the street as the public sanitary sewer. Far side property is located on the opposite side of the street from the public sanitary sewer and the building sanitary service for such property must cross an improved street in order to connect to the public sanitary sewer.
 - (3) The Manager shall prepare and maintain a list of the public sanitary sewers installed at the expense of the District for purposes of this ordinance.
- (f) A Service Reimbursement Charge shall be charged when a District-built Service is used in lieu of removal and replacement of an existing service in cases where

replacement of the service would normally be required under this ordinance. This charge shall be based on the current unit prices for such work in the District Building Sanitary Service Repair Assistance Program or other recent District contract for sanitary sewer construction.

Section 13.1. No connection permit for new construction shall be issued by the District until the person or persons seeking such permit submit to the District the appropriate District application form, a complete set of building plans, a utilities site plan and an agreement for District access to the building sanitary service signed by the property owner.

No connection permit for an existing building shall be issued by the District until the existing building is brought into compliance with all ordinances of the District, as determined by an inspection of said building by an authorized representative of the District. In addition, the person or persons seeking such permit shall submit to the District the appropriate District application form, a utilities site plan and an agreement for District access to the building sanitary service signed by the property owner.

Section 13.2. For the purpose of this section, any connection permit issued by the District shall be effective for a period of one year from the date of issuance, within which period at the written request of the applicant, one renewal of said permit for up to six (6) additional months may be issued by the District at the discretion of the Manager. In the event that said permit is not used within said period, a refund will be made under the provisions of Section 13.3 and reapplication for a new permit must be made.

Section 13.3. For the purpose of this section, a refund of the tap-in fee portion only of any connection permit will be made to the person or persons who paid the connection fee upon proper submittal of a District receipt for said payment and the return of the permit itself, if outstanding. The inspection fee is not refundable.

Section 13.4. Whenever any residence, multiple dwelling, commercial, institutional or industrial property is rebuilt in kind, expanded, its use changed, or added to, a permit shall be obtained and a fee shall be paid by such person or persons making or causing to be made such additional use, in accordance with the provisions of this section, including a trunk sewer service charge in accordance with Section 13, Article II of this ordinance.

Section 14. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any person whereby any industrial waste of unusual strength, or character, may be accepted by the District for treatment, subject to payment therefore by the person as prescribed by the District.

Section 15. Sump and ejector pits must be approved by the District before installation. Sanitary sumps and ejector pits must be at least ten (10) feet away from any other sump. Material specifications for under-slab piping is governed by the applicable municipal plumbing code. Any pit which does not meet District standards shall be removed and replaced with an acceptable pit

before District approval is granted. Any sanitary ejector pit that serves plumbing fixtures on a floor level other than a basement shall be equipped with a self-powered alarm system to alert the owner of a high water-level in the system wet-well, and the sanitary ejector pit shall have a volume of no less than 150 gallons.

Section 16. Whenever any property is annexed to or serviced by the District, a trunk sewer service charge as established in accordance with Section 13, Article II of this ordinance, shall be paid to the District prior to the annexation of said property to the District or the issuance of any permit for sanitary sewer service to said property.

Section 17. No commercial/industrial, commercial/residential, or institutional building connected to the public sanitary sewer shall install or cause to have installed any type of garbage disposal.

Section 18. No swimming pools shall be discharged into the sanitary sewer system except under written agreement with the District.

Section 19. All users must meet the limitations and standards specified in Article IIA, Pretreatment Ordinance, attached to and made a part of this document.

Section 20. An outside cleanout shall be installed on each new building sanitary service at a location approved by the District.

Section 21. The Manager and other duly authorized representatives of the District, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Manager or any of the above representatives shall have no authority to inquire into any process including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or waterways or facilities for waste treatment.

While performing the necessary work on private properties referred to above, the Manager or duly authorized representatives of the District, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the representatives and the District, Illinois Environmental Protection Agency and U.S. Environmental Protection Agency shall indemnify the company against loss or damage to its property by their representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

ARTICLE III - PRIVATE SEWAGE DISPOSAL

Section 1. Where a public sanitary sewer is not available, as provided for in Article II, the building sanitary service shall be connected to a private sewage disposal system complying with the provisions of the municipality wherein such system is located.

Section 2. The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the District.

Section 3. Use or construction of privies, privy vaults and cesspools are prohibited.

Section 4. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Illinois Environmental Protection Agency, the Illinois Department of Public Health, the DuPage County Health Department, or any municipality controlling the construction, use or maintenance of private sewage disposal systems.

ARTICLE IV - CONSTRUCTION OF PUBLIC SANITARY SEWERS

Section 1. Each public sanitary sewer which is designed and is to be constructed so as to constitute an integral part of the system of sanitary sewers to be controlled, operated, and maintained by the District shall not be constructed until and unless the Manager has been furnished with two complete sets of plans and specifications, designed in accordance with District design standards, and an itemized estimate in writing of all direct and indirect costs of such public sanitary sewer improvements; the completeness and correctness of all such plans, specifications and cost estimates shall be certified in writing by an Illinois Registered Professional Engineer. Prior to or concurrently with the submission of such documents to the Manager, the owner shall pay or cause to be paid to the District a fee for the review thereof computed in accordance with the following table:

<u>Estimated Costs of Construction of Public Sanitary Sewer Improvements</u>	<u>Review Fee</u>
\$10,000 or less	1.65% of estimated cost
\$50,000 or less, but more than \$10,000	1.50% of estimated cost, but not less than \$165.00
\$100,000 or less, but but more than \$50,000	1.33% of estimated cost, not less than \$750.00
\$200,000 or less, but but more than \$100,000	1.17% of estimated cost, not less than \$1,330.00
More than \$200,000	1% of estimated cost, but not less than \$2,340.00

The Manager will review all such plans and specifications and may require revisions thereon to comply with applicable laws, ordinances, regulations, and with standard District principles and practices applied on a uniform basis throughout the District. The District shall approve, disapprove, or request modifications to such plans and specifications within thirty (30) days of receipt of all items required under this ordinance. After the completion of revisions, if any, required by the Manager and the receipt of four complete sets of plans and specifications, revised as required by the District, the Manager may require that the estimate of costs of such public sanitary sewer improvements be increased or decreased to reflect such revisions and shall approve such estimate in writing. In the event of any increase in such estimate over the review fees paid, the owner shall cause to be paid to the District the amount of any increase in the review fee computed under the foregoing table, provided said increase is greater than \$50.00. In the event of any decrease in such estimate under the review fees paid, the District shall cause to be paid to the owner the amount of any decrease in the review fee computed under the foregoing table, provided said decrease is greater than \$50.00.

Section 2. A sewer permit will only be issued and sewer connection shall only be allowed if it can be demonstrated that the downstream facilities, including sanitary sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Section 3. No person shall construct or cause to be constructed any public sanitary sewer or appurtenance that is to become a part of the sewer system of the District which is not constructed pursuant to the published specifications of the District in effect at the time said construction is commenced.

Section 4.

- (a) No person shall construct or cause to have constructed any public sanitary sewer or appurtenance which is to become a part of the sewer system of the District except under a written permit for the work issued by the District and said permit will only be issued upon payment to the District of a fee of \$0.80 per lineal foot of public sanitary sewer.
- (b) The person constructing or causing to have constructed said public sanitary sewer shall reimburse the District for all costs of inspecting said sewer installation, at the rates of \$82.50 per hour straight time and \$123.75 per hour overtime if said inspection is performed by District personnel, and at billed cost if said inspection is performed by others.

Section 5. All public sanitary sewers constructed so as to become an integral part of the system of the sanitary sewers of the District shall, upon completion of construction and approval by the District, become the property of the District, except all building sanitary services shall remain the property of the owner of the premises served by said building sanitary service.

Section 6. That following the completion of construction of any public sanitary sewer pursuant to the provisions of this Article, the person constructing or causing to have constructed said sewer shall cause one reproducible set and one file set of completed "as built" plans to be prepared with competent engineering assistance and submitted to the District before acceptance will be made of said public sanitary sewers by the District.

ARTICLE V - CONNECTION

Section 1. No person or persons shall cause any connection of a building sanitary service to a public sanitary sewer unless made by a person who is a competent sewer builder duly authorized to do such work by the Manager.

Section 2. The Manager may require building sanitary services and connections of greater size than six (6) inches in interior diameter where deemed best for District and use contemplated.

Section 3. No person shall hereafter lay any pipe or conduit or excavate in any street, alley, easement or other public right-of-way within five feet of either side of the public sanitary sewer in such street, alley, easement or public right-of-way without the permission of the Manager.

Section 4. No more than one building shall be connected with the public sanitary sewer through one building sanitary service without a permit signed by the Manager.

Section 5. Notice must be left at the office of the District twenty-four hours prior to the beginning of any work upon a building sanitary service and no materials shall be used or work covered until it is inspected and approved by a District representative.

Section 6. When required by the Manager, the owner of any property serviced by a building sanitary service carrying commercial, institutional or industrial wastes shall install a suitable structure for flow measurement and sampling together with necessary meters and other appurtenance to facilitate observation, sampling, and measurement of the wastes. Such manhole or structure, known as an inspection manhole, shall be accessible to District personnel and shall be constructed and located in accordance with plans approved by the Manager. The inspection manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible to authorized personnel of the District at all times.

Section 7. No sewer work of any type involving a building sanitary service shall be done except in an emergency without first securing a written permit therefore from the District. Before such permit is issued, an application shall be filed with the District signed by the owner of the premises on which the proposed work is to be done or by his duly authorized agent accompanied by such plans, specifications and permit fee as provided for herein. Such application shall indicate the person authorized by the owner of said premises to perform said work and such permit shall not be issued unless the person indicated to do such work either (1) has on file with the District a surety bond in the sum of \$10,000 previously approved by the District, or (2) furnishes to the District a surety bond in the amount of the contract price or estimated cost of the work anticipated to be done indemnifying and saving harmless the District from all accidents and damages caused by negligence or otherwise either in the execution or protection of the work involved, including any damage to any sewer of the District. No applicant owing money to the District for fees required by any ordinances, resolutions or contracts with the District for work described in said application or for any previous work performed in the District shall be granted a permit until said fees have been paid.

Section 8. If any discharge or proposed discharge to the public sanitary sewer system contains the substances or possess the characteristics or exceed in concentration the limitations or discharges enumerated in Article IIA of this Ordinance, and which in the judgement of the Manager may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- (a) Reject the waste
- (b) Require pretreatment to an acceptable condition for discharge to the public sanitary sewers.
- (c) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or wastewater service charges under other provisions of this ordinance.

If the Manager permits the pretreatment of waste flows, the design and installation of such facilities shall be subject to the review and approval of the Manager, and subject to the requirements of all applicable codes, ordinances and laws; and no such waste or water shall be permitted to be discharged into the public sanitary sewers of the District until plans and designs for such pretreatment facilities have been approved and a discharge permit is issued by the Manager.

Section 9. In any case where it is necessary to make a connection to the public sanitary sewer at points other than those provided with junction pieces, connection shall be made by removing a section of the public sanitary sewer and substituting a proper branch in its place or by making a machine tap, which must be approved by the District. Such work can only be done under the direct supervision of a District representative.

Section 10. Overhead sanitary sewers, designed to prevent the backflow of water from the public sanitary sewer system, are required for all buildings to be connected to the public sanitary sewer system. Overhead sanitary sewers shall be provided to any floor level of such buildings whenever the elevation of that floor level is lower than the elevation of the rim of the District manhole immediately upstream of the point of connection of said building into the public sanitary sewer system. Plumbing fixtures on a building floor level below an overhead sewer shall drain into an ejector pit with pump and tight seal which meets the requirements of Article II Section 15 of this ordinance and the applicable municipal plumbing code. It shall be the responsibility of the person seeking to connect said building to provide the District with the elevations described above, when so requested by the District. Said elevations must be provided on a USGS datum by a Registered Land Surveyor or Registered Professional Engineer. In cases where a floor level above the basement level is below the upstream manhole rim, a pressure relief cleanout constructed according to the District's Standard Detail may be used in lieu of draining fixtures from any level above the basement into the ejector sump.

Section 11. Whenever an existing building is to be connected to the public sanitary sewer system, a new building sanitary service shall be installed and connected to the existing sanitary sewer located immediately adjacent to the existing building foundation.

Section 12. Whenever an existing building, which is connected to the public sanitary sewer system, is demolished, torn down or otherwise removed, all existing building sanitary services for that building shall be abandoned and shall be permanently blocked at the point(s) of connection to the public sanitary sewer. Such blocking must be done under a permit issued by the District and must be inspected by a District representative. It shall be the responsibility of the contractor to determine the point of disconnection on the public sanitary sewer. The contractor shall televise and electronically locate the building sanitary service to the point of connection to the public sanitary sewer. In cases where a District-built Service can be shown to be in compliance with District requirements for new construction, including all required testing; a property owner may request District approval of the re-use of the District-built Service in lieu of removal and replacement, subject to the payment of a Service Reimbursement Charge.

Section 13. Each new building sanitary service and all repairs to any existing building sanitary service must be designed and constructed in accordance with District design standards and District construction specifications. Each new building sanitary service must be air tested and televised in accordance with District specifications, including any new building service utilizing a District-built Service. Upon completion of a new building sanitary service or any repairs to an existing building sanitary service, the sewer contractor or property owner must submit to the District a written record of the work completed, including a sketch, pipe sizes, footages and depths, fittings and measurements from property lines or building corners, before final acceptance of said work will be granted by the District.

ARTICLE VI - WASTEWATER SERVICE CHARGES

Section 1. Basis for Wastewater Service Charges:

The wastewater service charge for the use of and for service supplied by the wastewater facilities of the District shall consist of a basic user charge for operation and maintenance plus replacement, a monthly fee, and a surcharge, if applicable.

The basic user charge shall be based on water usage as recorded by water meters or sewer flow meters for wastes having the following normal concentrations:

- (a) A five day 20 degree centigrade (20°C) biochemical oxygen demand (BOD) of 200 mg/l.
- (b) A suspended solids (SS) content of 250 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- (a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all District operations.
- (b) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD.
- (c) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (d) Compute costs per 1000 gal. for normal sewage strength.
- (e) Compute surcharge costs for BOD and SS.

Monthly fees shall consist of a service fee for all accounts and sampling and monitoring charges, if applicable. A sampling and monitoring charge will be levied to all users whose wastes exceed or have the potential to exceed the normal concentrations for BOD (200/mg/l) or SS (250 mg/l) and to all industrial users.

A surcharge will be levied to all users whose wastes exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters or sewer flow meters for all wastes which exceed the 200 mg/l or 250 mg/l concentration for BOD and SS respectively.

The wastewater service charges enumerated above and hereinafter shall be reviewed annually and revised accordingly in order to assure adequate revenues for operations and proportionality of the charges.

All users shall be notified annually by the District of the user charges, the method of calculation and how the revenue derived from said user charges will be used.

Section 2. Measurement of Flow for Basic User Charge and Surcharges:

The volume of flow used for computing basic user charges and surcharges shall be metered water consumption.

- (a) Any non-single family residential user discharging wastes into the public sanitary sewers who procures any part, or all, of his water from non-metered sources, all or a part of which is discharged into the public sanitary sewers, shall install and maintain, at his expense, water meters and/or sewer flow meters of a type approved by the District for the purpose of determining the volume of water obtained from these other sources.
- (b) Devices for measuring the volume of waste discharged may be required by the District if these volumes cannot otherwise be determined from the metered water consumption records.
- (c) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the user. Following approval and installation, such meters may not be removed, unless service is terminated, without the consent of the District.
- (d) Metered single family residential users may receive a summer usage adjustment for water consumed but not discharged to the public sanitary sewer system. For such users, the basic user charge for summer usage periods shall be based upon either the actual metered water consumption for the summer usage period or one hundred fifty percent (150%) of the average of the metered water consumption for the immediately preceding winter usage periods, whichever is lower.

For purposes of this section, a billing period is considered a summer usage period if a majority of the billing period is included between the dates of April 15 to October 15. Any billing period which does not meet the criteria for a summer usage period shall be considered a winter usage period.

Section 3. Basic User Rate:

A basic user rate of \$2.25 per 1000 gallons of water consumption shall be applied to all users.

All non-metered single family residential users of the wastewater facilities shall pay a flat rate charge per quarter of \$54.00. This flat rate charge is based on water consumption of 24,000 gallons per quarter for single family residences. Any non-metered single family user who installs a water meter in accordance with District requirements shall be billed based upon the readings from such meters.

Section 4. Measurement of Waste Strengths for Surcharges:

Unless otherwise provided, all measurements, tests, sampling and analyses required hereunder shall be in accordance with the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, and as follows:

(a) Inspection Manhole

In order to provide for accurate sampling and measurement of waste discharges, each user subject to the surcharge shall provide, at their expense, within sixty (60) days of written notice from the District, on each of its building sanitary services, an inspection manhole to be located so as to be available for inspection by authorized representatives of the District at reasonable times and at reasonable hours. There shall be ample room in or near each inspection manhole to accurately sample and composite the samples for analysis.

Plans for inspection manholes, with their location shown on a site plan, shall be submitted to the District for approval prior to construction.

(b) Liquid Quantity Measurements

Each inspection manhole shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the user may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered water supply to determine the liquid waste quantity.

(c) Sampling

Waste sampling shall be performed by the District.

Determination of representative quantities or characteristics shall include re-evaluation periodically. The determination of representative quantities and characteristics shall include not less than three consecutive calendar days of 24-hour

composite samplings taken during periods of normal operation, together with acceptable flow measurements.

Samples shall be taken every hour or half hour, as determined by the District, properly preserved and composited in proportion to the flow for a representative 24-hour sample.

The frequency of sampling, inspection manhole, metering device, sampling methods and analyses of samples shall be subject, at any time, to revision by the District.

Sampling and measuring facilities shall be such as to provide safe access for authorized personnel of the District for making such inspection and verification.

Section 5. Surcharge Rates:

(a) The surcharge rates for BOD and SS shall be as follows:

\$0.34 per pound for BOD

\$0.44 per pound for SS

(b) Any user determined by the Manager to have the potential to exceed the normal concentrations for BOD and/or SS, for which an inspection manhole is not available to ascertain actual waste strength, shall be surcharged at the flat rate \$4.32 per 1000 gallons of metered water consumption, in addition to the basic user rate.

Section 6. Computation of Surcharge

The surcharge shall be computed by the following formula:

$$SC = [B_C (B_A - B) + S_C (S_A - S)] \times V \times 8.34 \times 10^{-6}$$

- Where SC = Amount of surcharge (\$) per billing period
- B_C = Treatment cost for one pound of biochemical oxygen demand (BOD).
- B_A = Average representative measured concentration of BOD from user in mg/l.
- B = Average concentration of BOD in normal domestic sewage of 200 mg/l.
- S_C = Treatment cost for one pound of suspended solids (SS).
- S_A = Average representative measured concentration of SS from user in mg/l.
- S = Average concentration of SS in normal domestic sewage of 250 mg/l.
- V = Total volume contribution from user during billing period in gallons.

Section 7. Computation of Wastewater Service Charge

The wastewater service charge shall be computed by the following formula:

$$WC = (UR \times V) + SC + M$$

Where WC = Amount of wastewater service charge (\$) per billing period.

UR = Basic user rate for operation, maintenance, and replacement (Section 3).

V = Wastewater volume for the billing period.

SC = Amount of surcharge (\$) per billing period (Sections 5 and 6).

M = Monthly service fee, including sampling and monitoring charges, if applicable

Section 8. Users Subject to Surcharge:

Any industrial user identified in the "Standard Industrial Classification Manual," Bureau of the Budget, 1967, under the category "Division D - Manufacturing" and any other user notified by the District in writing shall be subject to a surcharge if the wastes discharged to the District from such user exceed a suspended solids concentration of 250 mg/l or a BOD concentration of 200 mg/l.

Section 9. Penalties

Should the owner of any property fail to install and/or maintain a water meter and/or sewer flow meter as herein required, the District will estimate the amount of the wastewater service charges due and bill the owner for such service charges together with penalties as provided herein. Said bill shall be paid within ten (10) days after receipt thereof by the owner.

Section 10. Billing Period and Penalties:

The service charges established by this ordinance shall be payable monthly, bi-monthly, or quarterly as shall be directed by the Board of Trustees of the District. The owner of the real estate, the occupant thereof and/or the user of the service shall be jointly and severally liable for the service on such premises and this service is furnished to the premises by the District solely upon the conditions that the owner of the real estate, and where the owner is the trustee of a trust, each beneficiary of the trust, occupant, and/or user of the service are each jointly and severally liable to the District. All bills for use and service shall be payable by a specified due date and shall be for the period specified in said billing. If payment of the amount of the bill is not made by said due date, then a penalty of ten (10) percent of the amount so billed shall be added thereto. Thereafter, if the amount so billed, or any portion thereof, remains unpaid a penalty of one (1) percent of the amount remaining unpaid shall be added 30 days after the due date, and one (1) percent shall be added for each additional 30 days or portion thereof.

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.

Section 11. Enforcement:

- (a) In the event the charges for use and service are not paid within 30 days after mailing of the bill for which use and service has been supplied such charges shall be deemed and are hereby declared delinquent and thereafter such delinquency shall constitute liens upon the real estate for which such use and service is applied and the Treasurer of the District is hereby authorized and directed to file sworn statements showing such delinquencies in the Office of the Recorder of Deeds of DuPage County, Illinois, and the filing of such statements shall be deemed notice for the payment of such charges for such use and service, and shall, thereafter, constitute a lien upon said real estate until such charge and penalties thereon have been paid in full.
- (b) In addition to all other penalty provisions provided herein the District shall at any time after a delinquency has occurred, pursuant to the terms hereof, take such other appropriate action as may be deemed necessary to require and demand the payment for service rendered, or to terminate sanitary sewer service or water service until full and complete payment of all delinquent charges and penalties thereon have been paid in full, together with any and all legal expenses, including attorney fees incurred by the District in enforcing the provisions of this ordinance.

Section 12. Reinstatement of Service:

The District reserves the right to require a bond or a cash deposit in lieu of a bond, from any user who previously has been determined delinquent in the payment of the service charges, specified herein, prior to reinstatement of sanitary sewer service or water service by the District in such amount as the District shall determine reasonable, based upon sewer service to such owner, occupant and/or user.

Section 13. Provision for Annual Audit:

The Treasurer of the District shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the general fund, and, shall, at regular annual intervals, cause to be made an audit by an independent auditing concern of the financial books and records of the District, including the records of the District wastewater service charges system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including replacement costs. In this regard, the financial information to be shown in the audit report shall include the following:

- (a) Flow data showing total gallons received at the wastewater treatment center for the current fiscal year.
- (b) Billing data to show the total number of gallons billed.

- (c) Number of users connected to the system.
- (d) Number of non-metered users.
- (e) A list of users discharging non-domestic wastes and the volume of wastes discharged.

Section 14. Monthly Fees

Monthly fees consist of a service fee of \$20.00 per month for all accounts, and sampling and monitoring charges, if applicable.

The sampling and monitoring charges shall be as follows:

- (a) \$149.17 per month for each significant industrial user subject to any National Categorical Pretreatment Standard or discharging an average of 25,000 gallons or more of wastewater per day.
- (b) \$55.94 per month for each industrial user subject to a wastewater discharge permit issued by the District and not included in (a) above.
- (c) \$21.29 per month for each user subject to surcharge.
- (d) \$6.72 per month for all industrial (including commercial) users not included in (a), (b) or (c) above.

Section 15. Revenues

All revenues and moneys derived from the wastewater service charges described in this ordinance shall be deposited in the general fund of the District. All such revenues and money shall be held by the Treasurer of the District separate and apart from his private funds and separate and apart from all other funds of the District. The District Treasurer shall administer such fund in every respect in the manner provided by applicable Illinois statutes.

Section 16. Access to Records

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers, and records of the District which are applicable to the District system of wastewater service charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state or federal grant.

Section 17. Hauled Grease Separator Waste

The rate for hauled grease separator waste shall be \$60.00 per 1,000 gallons of hauled grease separator waste.

ARTICLE VII - ENFORCEMENT PROCEDURES

The following procedure is designed to correct violations of this ordinance, including nonpayment of wastewater service charges. Violations may be discovered by various means, including on-site inspection of homes, businesses, and industrial sites; monitoring samples of discharge; routine surveillance and testing by District personnel and reports of possible violations by other governmental agencies and private citizens. This procedure will enable users to receive notice of a possible violation and, except in serious or persistent cases, to correct those violations without a judicial proceeding.

Where violations come to the attention of the District, seriousness is determined by the magnitude of the violation; the persistence of the violation despite past notices and attempts to correct the situation; by the discharge of materials harmful to the treatment facility and its processes and by violations which may have a significant impact upon sanitary sewer flows and/or treatment facility capacity. A pre-enforcement conference and a show cause hearing are provided which enable the District to alleviate potential hazards to District facilities, and, if necessary, to undertake appropriate actions to disconnect and discontinue sanitary sewer services, and in the case of nonpayment of wastewater service charges to discontinue water service, to a user in violation of the aforementioned ordinances. Accordingly, the following procedures are hereby adopted.

I. Pre-Enforcement Conference

1. Discovery and Notice

- A. Upon determination that a violation has occurred, or upon discovery that an alleged violation has probably occurred, a notice of the violation is prepared and sent to the user by mail.
- B. 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 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.
- C. Pre-enforcement conferences shall be scheduled not less than seven nor more than twenty one (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 twenty one (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 Manager in writing and sent to the user.

- D. The Manager may grant continuances on conference dates for good cause shown.

The term "user" in this procedure 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 procedures by the District.

2. Pre-Enforcement Conference

- A. The pre-enforcement conference shall be conducted by the Manager, or his designee.
- B. At the scheduled conference, the violation shall be explained in sufficient detail for parties to understand the nature of the violation and to begin abatement actions on said violation.
- C. No formal evidence or rules of evidence shall be in effect, the proceedings shall not be transcribed by a court reporter and documents or exhibits need not be marked as items of evidence. The purpose of the pre-enforcement conference is an attempt to gain voluntary compliance with the ordinances of the District. It is not penal in nature and is specifically designed as an informal process to assist users in complying with federal and state statutes and regulations and ordinances and regulations of the District.
- D. A plan for abatement and a schedule for compliance are to be initiated at this meeting.
- E. Where a plan for abatement and a schedule for compliance are initiated at the meeting, within ten (10) working days following the pre-enforcement conference a letter shall be issued by the conference officer indicating the results of the conference, indicating a plan for abatement of a violation and indicating a schedule for compliance to be followed. In addition, the notice may contain dates of such future meetings as may be required to monitor progress until full compliance has been achieved.
- F. Extensions of time for compliance may be granted upon good cause shown in a subsequent conference and at the request of either the District or the user. All requests for extensions shall be in writing and set forth specific facts upon which the request is based.
- G. No Agreement. If during the pre-enforcement conference the parties are unable to agree upon the nature of compliance or the schedule of compliance, or the users fail to appear, the conference officer may recommend that the

user be required to show cause why its discharge into the public sanitary sewer system should not be disconnected and prohibited, or in the case of nonpayment of wastewater service charges, take steps to disconnect water service.

3. Emergency Hearing. If hazardous or emergency conditions exist, a user may be notified by telephone or telegram to appear immediately or on the following day(s).
4. The pre-enforcement conference is an optional process which may be instituted by 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 therefore may institute a show cause hearing procedure or institute a court proceeding for fine and/or injunction whenever the District determines that it is in the best interests of the District to so proceed.

II. Show Cause Hearing Procedure

The show cause hearing procedure is instituted by the District in an attempt to gain voluntary compliance with the statutes of the United States and the State of Illinois, the rules and regulations attendant thereto, and the ordinances, rules, regulations and policies of the District. The show cause hearing procedure is to be used when the conciliation conference procedure breaks down; to be used when there are serious violations or potential harm to the District treatment facility capacities or processes; or potential harm to the District sanitary sewers, their capacities and the possible danger to other users of District facilities whether due to back-up problems or safety hazards. In addition, the show cause procedure may be used in cases of persistent non-payment of user charges. At the show cause hearing testimony is taken, District personnel may be called upon to testify concerning their activity in the matter and the respondent is given an opportunity to present evidence. These hearings may result in an order requiring the user (respondent) to comply with provisions of the ordinance, state or federal statutes and regulations by a certain date. If the user fails to comply with the order, then a recommendation shall be forthcoming as follows:

1. That a lawsuit be filed to seek injunctive relief, and/or
2. That a lawsuit be filed requesting a fine for each day that the violation continues, or
3. That the District take steps to disconnect the subject property from the public sanitary sewer system and, in the case of nonpayment of wastewater service charges, take steps to disconnect sanitary sewer service or water service.

SHOW CAUSE HEARING PROCEDURE

1. Notice

- A. A notice of hearing shall be forwarded to the respondents along with a complaint setting forth sufficient details for the user to begin abatement action.
- B. The notice shall set the time, date and place of a hearing not less than ten (10) nor more than twenty one (21) days from the mailing of said notice.
- C. The notice shall be mailed U.S. mail, postage prepaid, and addressed to the user's last known address. The mailing of notice shall be construed as service. Notice may also be served personally upon the user.

2. Discovery

- A. Witnesses and Evidence. Prior to the hearing, and upon specific written request by the respondent.
 - (1) The District shall identify all witnesses or potential witnesses and all items of physical evidence.
 - (2) The District shall make District employees available for respondent's cross-examination at the time of a hearing.
 - (3) The District will make available all physical evidence for inspection, testing or copying prior to the hearing.
 - (4) The District will request, in writing, the presence of any witness requested by the respondent and that the respondent expects to call for testimony at the hearing.
- B. The District may request respondent to respond with similar discovery.
- C. The District and respondent may enter into stipulations of fact or law.

3. Hearing

- A. Hearing proceedings shall be recorded by a certified court reporter.
- B. The Hearing Officer shall be one or more persons appointed by the Board of Trustees of the District.
- C. The Hearing Officer shall open the hearing for record by stating the Hearing Officer's name, position, and his authority for holding the hearing, stating the name and address of the respondent, and the violation alleged. Respondent may waive notice orally or in writing.

- D. The Hearing Officer will then ask for the appearances of the parties and in response thereto, the persons representing the various parties shall state for the record their names and whom they represent.
- E. The attorney for the District will have the notice marked as an exhibit and will offer the notice into evidence. The respondent shall be provided an opportunity to indicate any objections to the notice having been received for the purpose of showing due notice given.
- F. The Hearing Officer shall determine for the record whether or not due notice has been given.
- G. Opening Statement. The hearing officer shall offer each party a reasonable time to make an opening statement.
- H. Taking of Evidence
 - (1) All witnesses shall be sworn individually or as a group.
 - (2) The District shall call its witnesses. The attorney for the District shall conduct direct examination of District witnesses after which respondent shall be given an opportunity to cross-examine these witnesses.
 - (3) The Hearing Officer may inquire of any witnesses.
 - (4) The Hearing Officer shall inquire whether there is any redirect examination after there has been cross-examination. If there is redirect examination, there shall also be allowed a recross-examination by the respondent.
 - (5) The same procedure in examining District witnesses shall apply to the respondent's witnesses.
 - (6) All exhibits shall be marked for identification by the court reporter. When an exhibit is offered into evidence, the Hearing Officer shall inquire of the opposing party whether there is any objection to the exhibit being received. The Hearing Officer shall indicate for the record whether the exhibit is or is not received in evidence.
 - (7) Stipulations of fact or evidence may be used in appropriate cases. All stipulations shall be read into the record if an oral stipulation, or shall

be in writing and attached to the record. All stipulations are to be treated as an admission of the facts contained in said stipulation.

I. Objections

- (1) Any party may make objections to exhibits or documents presented by the other party.
- (2) The Hearing Officer shall rule on all objections which may be "sustained", "overruled", or the hearing officer may "reserve the ruling." In the event the Hearing Officer fails to make a ruling prior to the conclusion of the hearing, the attorney for the District or the respondent may request such a ruling. Failure to request a ruling waives the objection.

J. District's Case. The District must establish as follows:

- (1) Notice of the alleged violation and the time, place and date of the hearing.
- (2) The ordinance which has been violated must be set forth.
- (3) The nature of the violation alleged in the complaint specifically referring to facts which give rise to the complaint, the results of test data, if any. Testimony of District employees, citizens or any person may be obtained in addition to documentary evidence, reports and other indications of a violation.

K. Respondent's Case

- (1) The respondent may assert that the District has failed to establish one or more of the elements required by its ordinances.
- (2) Assuming the District has established a violation of its ordinance, the respondent may establish what, if anything, the respondent has done to correct the situation and what still remains to be done in the future, indicating a projected compliance date.

L. Reply. At the close of the respondent's case, the hearing officer will inquire as to whether the District wishes to offer any rebuttal evidence.

M. Closing Argument. The Hearing Officer shall offer each party a reasonable time to make a closing statement or summation. The District shall be allowed a rebuttal after respondent's closing argument.

N. The Hearing Officer may, at his discretion, continue the hearing. In addition, he may order any party to submit copies of any and all documents, letters, reports or any other documentary or physical evidence to the opposing party which physical evidence should be submitted several days prior to the next hearing date in order to allow the opposing party time to review same.

4. Decision

A. All findings of fact should be specific.

B. There should be a finding made concerning whether the District has established a violation.

C. Any findings which involve prior consents or pre-enforcement conference agreements should contain the dates of the meetings and compliance schedules.

D. Findings should include dates of inspections or samples.

E. Findings should include specific violations or ordinances indicating the ordinance by article and paragraph.

5. Recommendations. When the findings establish that a violation is established by the District the hearing officer shall request the District to make specific recommendations to cure the violations. Recommendations will necessarily vary depending upon the facts and circumstances in the case.

Where a violation is found, the recommendation may include the following:

A. That the respondent shall cease and desist discharging in violation of District ordinances, or

B. That the respondent shall install an inspection manhole on or before a specified date, or

C. That the respondent shall take certain steps (these steps to be enumerated) to correct District ordinance violations on or before a specified date.

D. That if the respondent shall fail to comply with the foregoing recommendations, the attorney for the District be authorized and directed to seek appropriate relief.

- E. Unless respondent provides a justifiable reason for additional time to comply, the recommendation should also be made for immediate compliance.
- F. Where a recommendation provides a substantial period of time given to correct a violation, the recommendation should also include the following:
 - (1) That a construction or compliance time schedule should be submitted to the District by a specific date.
 - (2) That progress reports be required of the respondent on a weekly, bi-weekly or monthly basis. Such reports shall contain chemical analysis where applicable.
 - (3) That specific interim measures be taken to minimize the violations during the time compliance is proceeding. (Note: Progress reports and analysis may be used to judge the effectiveness of the interim measures.)
- G. That the following forms of relief be initiated by the District's attorney, namely:
 - (1) Seek a court injunction to enjoin such violations.
 - (2) Seek a court ordered fine for each day the violation continues as provided in the ordinance.
 - (3) Order disconnection from the public sanitary sewer system and, in the case of nonpayment of wastewater service charges order disconnection of sanitary sewer service or water service.
- H. Where non-payment of user charges is found, the recommendations shall include the following:
 - (1) That the respondent shall pay all of the following costs and charges incurred, namely:
 - (a) All user charges including the most recently billed statement.
 - (b) All penalties assessed thereon.
 - (c) All costs, recording fees and legal expenses incurred in connection with collection of the delinquent account.

- (2) That the respondent post a bond or cash deposit in lieu of a bond in such amount of twice the billing period average, or the anticipated average use to such user.
- (3) That a time schedule for compliance be established for performance of subparagraphs (1) and (2) above.
- (4) That disconnection procedures be undertaken if the provisions herein are not fully completed.

I. In the event a compliance schedule has been ordered, and at any time during said time period the respondent becomes aware of facts which indicate a need for an extended compliance date, the respondent shall petition the Manager with a written affidavit setting forth the order of the District, the compliance schedule and the reasons for requesting an extended compliance date. All reasons shall be set forth in detail including, where applicable, letters or other documents from contractors or suppliers indicating a new proposed compliance date. The Manager shall grant or deny the petition, or may establish a compliance date different from that requested in the petition.

The granting of an extended compliance date shall not be construed as any abandonment of previous decisions except as to the extended date for compliance. Any and all previously ordered penalties shall remain in full force and effect, except as extended pursuant to this subparagraph.

In the event the Manager denies a user's petition for an extended compliance date, or alters the compliance date to a period of time less than requested, the user may request a new Show Cause Hearing for the sole purpose of introducing evidence on the issue of the time reasonably required to comply with a previous order.

J. In all cases where the Hearing Officer finds 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 the following:

- (1) Hearing officers fees.
- (2) Court reports costs, including transcript.
- (3) Service fees.
- (4) District attorney's fees actually incurred.
- (5) Title company charges and recording fees.
- (6) Newspaper publications.
- (7) Expert witness examination and testimony fees incurred.
- (8) Independent chemical or laboratory analysis charges incurred.

(9) Disconnection charges.

These charges shall be waived by the Hearing Officer upon presentation of a pauper's affidavit by or on behalf of a user.

6. Effective Date. The enforcement procedure decision becomes effective and final upon the issuance of findings with recommendations from the hearing officer.
7. Court Review
 - A. This enforcement procedure is hereby made expressly subject to the "Administrative Review Act" of the State of Illinois as set forth in Illinois Compiled Statutes, 735 ILCS 5/3-101 et.seq., as amended from time to time.
 - B. For purposes of court review, venue shall be in the Eighteenth Judicial Circuit, DuPage County, Illinois.
 - C. In the event any respondent appeals any order, or findings and recommendations made pursuant to this enforcement procedure, then, absent the filing of a pauper's affidavit, said respondent shall forward to the District all costs incurred by the District in preparing and certifying the record of proceedings before the District which costs shall include, but not be limited to, reproduction costs of the District record, costs of obtaining a copy of the court reporter's transcript and an administrative charge of Twenty-five Dollars (\$25.00) for the cost of staff time to collect, prepare, certify and forward the record of proceedings to the court. Failure to make such payment or file said pauper's affidavit shall relieve the District from filing any answer to the Administrative Review proceeding and the District shall order the District's attorney to motion the court to dismiss the complaint and request entry of a judgement against the respondent and in favor of the District for any amounts shown due by orders, findings and recommendations of the District and for costs.
 - D. In the event any portion of this enforcement procedure should be held by a court of competent jurisdiction, to be invalid or unenforceable, such invalid or unenforceable provisions shall be intended to be severable and the remaining provisions of this ordinance shall be construed to be enforced to the extent that such enforcement is reasonable.
 - E. The procedures under this enforcement procedure shall not be the exclusive remedy of the District and shall not preclude the District from requesting or obtaining a court ordered injunction to prohibit wastes or harmful materials or flows from entering or being discharged into the District system; shall not preclude the District from seeking any other court remedies that may be

available to the Sanitary District; and shall not preclude the collection of user charges pursuant to Illinois Compiled Statutes, 70 ILCS 3010/17, as Amended.

8. Disconnection Procedure. When the District commences disconnection of sanitary sewer or water service, the following procedure shall apply:
 - A. Notice. At least thirty (30) days prior to disconnection, written notice shall be mailed, certified mail, return receipt requested, to the following:
 - (1) Property owner.
 - (2) Mortgage and lien holders of record.
 - (3) Taxpayer
 - (4) Occupant
 - (5) Health Department of the appropriate municipality and DuPage County.
 - B. The notice shall contain the remedy, if any, that will forestall said disconnection.
 - C. No property disconnected under any enforcement action shall be reconnected to the District or have water service resumed until prior payment of all costs, fees, charges and expenses incurred by the District in conjunction with the enforcement proceedings and the disconnection of said property; and until the appropriate remedy has been completed which ensures compliance with state and federal laws and regulations and District ordinances.

ARTICLE VIII - NOTICES

Section 1. Whenever and wherever within the boundaries of the District it shall be made to appear that any person is violating any of the provisions of this ordinance, the Manager may (but is not required as a condition precedent to prosecution for violation) cause to be served, personally or by mail, upon the alleged offender, a notice in writing stating the date and nature of the alleged offense, and directing that the same cease and desist immediately upon service of the notice, and that the act or omission causing such violation be corrected within thirty days or within such reasonable time as the circumstances may require.

Section 2. The failure, neglect and refusal of the person, alleged to be in such violation, to cease and desist therefrom within the time stated in such notice, shall be deemed a violation of the provisions of this ordinance, and punishable as hereinafter provided.

ARTICLE IX - PROTECTION FROM DAMAGE

No person shall maliciously, willfully or wantonly break, damage, destroy, uncover, deface or tamper with any of the sanitary sewers, appurtenances, equipment, machinery, lift stations, or structures of the wastewater treatment center owned and operated by the District. Any violation hereof shall be punishable as hereinafter provided.

ARTICLE X - PENALTIES

Section 1. Any person who is apprehended in the violation of the provisions of any of the articles of this ordinance shall be taken before any judge or magistrate serving in the 18th Judicial Circuit, DuPage County, Illinois and there charged and prosecuted in the name of the People of the State of Illinois, pursuant to the Criminal Code of the State of Illinois as made and provided.

Section 2. Any person found to be violating any of the provisions hereof and who fails, and neglects and refuses to comply with the provisions thereof within the time limited thereby, shall be prosecuted in an action for a misdemeanor instituted on the complaint of the Trustees or Manager of the District before a magistrate or judge of the 18th Judicial Circuit, DuPage County, Illinois, or before a magistrate or judge of the Circuit Court wherein the offense occurs, and upon conviction shall be fined an amount not less than \$25.00 and not exceeding \$500.00 and costs. Each day in which any violation shall continue shall be deemed a separate offense.

Section 3. The District shall have the right to discontinue service to any person, firm or corporation whenever said person, firm or corporation shall have been shown to be in violation of this ordinance.

Section 4. The District 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 be in violation of this ordinance.

Section 5. In the case of a violation of this ordinance for the nonpayment of wastewater service charges, the District shall have the right to require the termination of water service to property by the supplier of the water, in addition to all other rights as provided by this ordinance.

ARTICLE XI - GENERAL PROVISIONS

Section 1. The foregoing penalties and prosecutions therefore 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 it may sustain because of violations by any person of the provisions hereof, and where it shall appear that such violation has occasioned damage to the appurtenances, machinery, equipment and buildings of the District.

Section 2. It is hereby made the duty of the Manager to enforce full compliance with the provisions of this ordinance in every particular relating to the sewer connections, construction of building sanitary services and plumbing work, and the exclusion of all improper substances from the sanitary sewers.

Section 3. The Manager or other duly authorized person of the District herein authorized to issue permits, shall require any sewer builder or contractors seeking a permit from this District, which will include therein the breaking or entering through the surface or sub-surface of any street in said District, which is also located within the corporate limits of any municipality to produce a permit from said municipality as may be required by said municipality for the breaking or entering the surface or sub-surface of such street, before any permit will issue from the District.

Section 4. The invalidity of any section, clause, paragraph or provision of this ordinance shall not affect the validity of other provisions of this ordinance which may be given effect without such invalid part or parts.

Section 5. All ordinances or parts of ordinances of the District in conflict with the provisions herein are hereby expressly repealed.

Section 6. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by statute.