

CHAPTER 51A: PUBLIC SANITARY SEWER SERVICE

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§51A.001 PURPOSE

This Chapter is enacted for the purposes of (1) setting forth the terms and conditions for the provision of public sanitary sewer service to certain portions of the Village pursuant to an Intergovernmental Agreement entered into between the Village and the Metropolitan Water Reclamation District of Greater Chicago (“MWRD”) on November 5, 1998 and amended on June 3, 1999 and as may be further amended from time to time; (2) establishing a sanitary sewer service charge sufficient to allow the Village to meet its obligations to MWRD as well as providing appropriate funds for operation, maintenance and depreciation of the system facilities; (3) providing a means of addressing the expenses of procuring the agreements and constructing the facilities necessary to bring public sanitary sewer service to certain portions of the Village; and (4) identifying standards for the mandatory discontinuance of private sanitary sewer disposal systems (septic systems) and the mandatory connection to the public sanitary sewer system.

§51A.002 SHORT TITLE

This Chapter may be known and cited as the Village of Deer Park Public Sanitary Sewer Service Code.

§51A.003 DEFINITIONS

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

(A) **Federal government:**

- (1) **Federal Act** means the Federal Water Pollution Control Act (33 U.S 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and (Public Law 93-243)
- (2) **Administrator** means the administrator of the U. S. Environmental Protection Agency.
- (3) **Federal grant** means the U. S. government participation in the financing of the construction of treatment works as provided for by federal act and implementing regulations.

(B) **State government:**

- (1) **State Act** means the Code of Illinois Antipollution Bond Act of 1970.
- (2) **Director** means the director of the Illinois Environmental Protection Agency.
- (3) **State grant** means the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Antipollution Bond Act and for making such grants as filed with the secretary of the State of Illinois.

(C) **Local government:**

- (1) **Village** means the Village of Deer Park, Lake and Cook Counties, Illinois.
- (2) **Village Engineer** means the person or persons or firm employed or retained by the Village to perform engineering services or such other person or persons to whom the Village Board has delegated a responsibility or authority set forth in this Chapter.
- (3) **Equalized Assessed Value (or Valuation)** means the latest equalized property valuation as shown on the real estate tax bill of a property or in the records of Lake County, Illinois, without regard to subsequent protest, challenge or appeal.
- (4) **MWRD** means the Metropolitan Water Reclamation District of Greater Chicago or any entity succeeding to the rights and obligations thereof.
- (5) **MWRD Intergovernmental Agreement** means the agreement for sewer services entered into between the Village and MWRD on November 5, 1998, as amended on June 3, 1999, and any amendments thereto from time to time.
- (6) **MWRD User Charge Ordinance** means the ordinance adopted by the MWRD Board of Commissioners on October 4, 1979 as amended to and including March 19, 1992, October 6, 1994 and November 3, 1994, and designated by MWRD as the "User Charge Ordinance," as it may be amended from time to time.

- (7) **Owner** means any or all of (a) the legal titleholder of a Subject Property, (b) a Person legally authorized to act for the legal titleholder, or (c) a beneficial owner of a land trust, as appropriate in the context of use.
- (8) **Occupant** means a tenant of a Subject Property or a Person legally authorized to act for the tenant.
- (9) **Public Sanitary Sewer Service** means service available or provided to properties within the Service Area pursuant to the MWRD Intergovernmental Agreement.
- (10) **Public Sanitary Sewer System** means all Public Sanitary Sewers and all structures and devices appurtenant thereto which collect and convey wastewater.
- (11) **Service Area** means those lands within the Village eligible for sanitary sewer service according to the terms of the MWRD Intergovernmental Agreement. The Service Area is legally described as follows:

THOSE PARTS OF SECTIONS 34 AND 35, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF LAKE-COOK ROAD AND QUENTIN ROADS; THENCE NORTH ALONG THE CENTERLINE OF QUENTIN ROAD 4200 FEET, MORE OR LESS; THENCE EAST ALONG A SOUTH LINE OF THE CORPORATE LIMITS OF THE VILLAGE OF KILDEER (AS THEY EXISTED ON OCTOBER 27, 1998) A DISTANCE OF 208.73 FEET; THENCE NORTHEAST ALONG AN EAST LINE OF SAID CORPORATE LIMITS 250 FEET, MORE OR LESS, TO A POINT 313.5 FEET SOUTHEAST OF THE INTERSECTION OF THE CENTERLINES OF QUENTIN AND RAND ROAD, AS MEASURED ALONG THE CENTERLINE OF SAID RAND ROAD; THENCE SOUTHEAST ALONG THE CENTERLINE OF RAND ROAD 3565 FEET, MORE OR LESS, TO A POINT 2325 FEET NORTHWEST OF THE INTERSECTION OF SAID CENTERLINE WITH THE EAST LINE OF SECTION 34 AFORESAID, AS MEASURED ALONG SAID CENTERLINE; THENCE ALONG THE AFOREMENTIONED CORPORATE LIMITS OF THE VILLAGE OF KILDEER THE FOLLOWING EIGHT COURSES; THENCE SOUTHWEST 470.57 FEET TO A LINE 452.1 FEET EAST OF AND PARALLEL WITH THE NORTH-SOUTH QUARTER LINE OF SECTION 34 AFORESAID; THENCE SOUTH ALONG SAID PARALLEL LINE 623.58 FEET TO A LINE 1619.96 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SECTION 34 AFORESAID; THENCE EAST ALONG SAID PARALLEL LINE 866.24 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 34 AFORESAID; THENCE SOUTH ALONG SAID WEST LINE 785.31 FEET; THENCE SOUTHEAST 49.53 FEET; THENCE NORTHEAST 1100.03 FEET TO THE SOUTHEAST RIGHT OF WAY LINE OF RAND ROAD; THENCE SOUTHEAST ALONG SAID RIGHT OF WAY LINE 20 FEET, MORE OR LESS, TO AN EASTERLY LINE OF THE CORPORATE LIMITS OF THE VILLAGE OF KILDEER; THENCE NORTHEASTERLY ALONG SAID EAST LINE 50 FEET TO THE CENTERLINE OF RAND ROAD; THENCE SOUTHEAST ALONG THE CENTERLINE OF RAND ROAD 2609 FEET, MORE OR LESS TO THE CENTERLINE OF LAKE-COOK ROAD, THENCE WEST ALONG SAID CENTERLINE 6550 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 359 ACRES.

Upon inclusion of all or a portion of the Transfer Property within the Service Area, and from time to time thereafter if additional territory is added to the Service Area, the legal description of the Service Area shall be amended to reflect such additions.

- (12) **Sewer Improvements Costs** means all costs incurred by the Village relating to the financing and construction of the Public Sanitary Sewer System owned by the Village, including interest accrued as of the date of permitted connection to the MWRD interceptor, which are to be collected and paid over to the bond trustee(s) for Village of Deer Park Special Service Area No Two, Three, Four, Five, Six, Seven, Eight, Nine and Ten in accordance with the ordinances of the Village authorizing the sale of Special Service Area Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 10 bonds. Sewer Improvements Costs do not include, however, any amounts paid or required to be paid to MWRD as a Connection Charge/Extraterritorial Impact Fee, or any part thereof, as provided in the MWRD Intergovernmental Agreement.
 - (13) **Subject Property** means a specific property or parcel within the Service Area identified by a tax parcel number or numbers.
 - (14) **Person** means any and all persons, natural or artificial including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, limited liability company or other entity.
 - (15) **Transfer Property** means the area consisting of approximately 27 acres which is to be disconnected from the Village of Kildeer and annexed to the Village of Deer Park pursuant to the Jurisdictional Boundary and Land Use Agreement between the Village of Deer Park and the Village of Kildeer dated January 15, 2003.
 - (16) **Private Sector Program** is a program that is intended to prohibit new illegal clear water connections to the sanitary sewer system, compel property owners with illegal clear water connections or sources of excessive infiltration to eliminate them, establish a public information program to enhance awareness of the risks posed by illegal clear water connections, and establish a long term program under which illegal connections that are costly to correct may be removed over time.
- (D) **NPDES permit** means any permit or equivalent document issued by the administrator, or, where appropriate, by the director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
- (E) **Wastewater and its characteristics:**
- (1) **Wastewater** means the spent water of a community, including but not limited to, a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
 - (2) **Sewage** is used interchangeably with wastewater.
 - (3) **Unpolluted water** is water of quality equal to or better than the applicable effluent criteria.
 - (4) **ppm** means parts per million by weight.

- (5) **Milligrams per liter** means a unit of the concentration of water or wastewater constituent. It is 0.001 grams of the constituent in 1,000 milliliters of water.
- (6) **Suspended solids** means solids that either float on the surface of or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standards Methods.
- (7) **BOD (denoting biochemical oxygen demand)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter (mg/l).
- (8) **pH** means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in Standard Methods.
- (9) **Standard Methods** means the examination and analytical procedures set forth in 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 Pollution Control Federation.
- (10) **Garbage** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (11) **Properly shredded garbage** means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow of conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (12) **Floatable oil** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (13) **Population equivalent** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing 0.17 pounds (200 mg/l) of BOD, and 0.20 pounds (240 mg/l) of suspended solids.
- (14) **Slug** means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (15) **Commercial waste** shall mean any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any commercial or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.

(F) **Sewer types and appurtenances:**

- (1) **Sewer** means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and ground water drainage.
- (2) **Public Sanitary Sewer** means a sewer owned by the Village or any other governmental entity when connected, directly or indirectly, to a sewer owned by the Village.
- (3) **Sanitary sewer** means a sewer that conveys sewage or commercial wastes or a combination of both, and into which storm, surface, and ground waters or unpolluted commercial wastes are not intentionally admitted.
- (4) **Storm sewer** means a sewer that carries storm, surface, and ground water drainage but excludes sewage and commercial wastes other than unpolluted cooling water.
- (5) **Combined sewer** means a sewer which is designed and intended to receive wastewater, storm, surface, and ground water drainage.
- (6) **Building sewer** means the extension from the building drain to the public sewer or other place of disposal.
- (7) **Building drain** means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet outside the inner face of the building wall.
- (8) **Storm water runoff** means that portion of the precipitation that is drained into the sewers.
- (9) **Sewerage** means the system of sewers and appurtenances, for the collection, transportation, and pumping of sewage.
- (10) **Easement** means an acquired legal right for the specific use of land owned by others.

(G) **Treatment:**

- (1) **Pretreatment** means the treatment of wastewaters from sources before introduction into the wastewater treatment works.
- (2) **Wastewater treatment works** means an arrangement of devices and structures for treating wastewater, commercial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant.”

(H) **Wastewater facilities** means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

(I) **Watercourse and connections:**

- (1) **Watercourse** means a channel in which a flow of water occurs, either continuously or intermittently.
- (2) **Natural outlet** means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(J) **Inspection manhole** means a structure located on a site where required by the MWRD. The purpose of an inspection manhole is to provide access for the MWRD to sample and/or measure discharges. The manhole shall be designed in accordance with MWRD criteria.

(K) **Sewer charges:**

- (1) **Sewer service charge** shall be the total annualized charge or a portion thereof levied on all owners of property within the Service Area required to connect to the Public Sanitary Sewer System pursuant to Section 51A.005(D) of this Chapter. The sewer service charge shall be computed as outlined in Section 51A.026 of this Chapter and shall be the total of the MWRD Charge, the Per Acre Operations Charge and, if applicable, the User Charge.
- (2) **MWRD Charge** means that portion of the sewer service charge which corresponds to the amount for a Subject Property which the Village must remit to the MWRD pursuant to the MWRD Intergovernmental Agreement.
- (3) **User Charge** means the charges provided in the MWRD User Charge Ordinance which, if applicable to a Subject Property, may be collected by either the MWRD or the Village, as directed by the MWRD pursuant to the MWRD Intergovernmental Agreement.
- (4) **Per Acre Operations Charge** means a charge assessed by and payable to the Village based upon the Village's costs of administering, operating and maintaining the Public Sanitary Sewer Service, including a reasonable reserve for replacement.
- (5) **Sewer Improvements Reimbursement Charge** means the Sewer Improvements Costs portion of the Public Sanitary Sewer System Development Surcharge Fee ("DSF") based on the per acre proportional costs and benefits received, as determined by the Village Board, of making the Public Sewer System available to lands within the Service Area.
- (6) **Replacement** means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the Public Sanitary Sewer System to maintain the capacity and performance for which such were designed and constructed. The term "operation and maintenance" includes replacement.
- (7) **Useful life** means the estimated period during which the collection system will be operated.
- (8) **Public Sanitary Sewer Fund of the Village of Deer Park** is the principal accounting designation for all revenues received in the operation of the Public Sanitary Sewer System except for Sewer Improvements Reimbursement Fees.
- (9) **Public Sanitary Sewer System Development Surcharge ("DSF")** means the tap-on charges assessed against a Subject Property at the time of application for a sewer permit, as set forth in Section 51A.020 of this Chapter.

(L) **Other:**

- (1) **Redevelopment Area** means those parcels of land along the south side of Rand Road between Deer Park Boulevard and Lake-Cook Road which either have frontage on Rand Road or, if there is no frontage, obtain access to Rand Road through a parcel with frontage on Rand Road.

(Am. Ord. 04-36, passed 11-15-04)

§ 51A.004 CONFORMANCE WITH MWRD REQUIREMENTS.

Any person who lawfully connects a property within the Service Area to the Public Sanitary Sewer System shall comply with all requirements of the MWRD Intergovernmental Agreement and with all permitting requirements and other applicable regulations of the MWRD, the Village and all other public entities with regulatory authority.

§ 51A.005 USE OF PUBLIC SEWERS REQUIRED.

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage, or other objectionable waste.
- (B) It shall be unlawful to discharge to any natural outlet within the Village, or in any area under jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter or, where permitted, in accordance with the provisions of Chapter 51 of the Village Code of Ordinances.
- (C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage for the servicing of any property required to be connected to the Public Sanitary Sewer System.
- (D) The Owner of all properties improved with houses, buildings, or other structures used for human occupancy, employment, recreation, or other purposes situated within the Service Area and abutting on any street, alley, easement or right-of-way in which there is located any Public Sanitary Sewer of the Village, is hereby required at the Owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper Public Sanitary Sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said Public Sanitary Sewer is within two hundred fifty (250) feet (76.2 meters) of the property line. In the event that the Village's Public Sanitary Sewer System is not ready for a connection to be made within the ninety (90) days from the official notice to do so, the Village will extend the date for the required connection, and provide the Owner with the option to accrue Owner's obligations for sewer service charges in accordance with § 51A.026(A). When the Village's Public Sanitary Sewer System becomes ready for connection, the Village will notify Owner that said accrual option is no longer in effect and all accrued charges will be due and owing at the regular payment date. Weather permitting, the Owner shall make connection to the Public Sanitary Sewer System within ninety (90) days of the date of the Village's notice that the accrual option is no longer in effect.

(Am. Ord. 04-36, passed 11-15-04)

- (E) Where a Public Sanitary Sewer is not available in accordance with subparagraph (D) above, the building sewer shall be connected to a private sewage disposal system approved by the Village in accordance with Chapter 51. When a Public Sanitary Sewer becomes available, the building sewer shall be connected to the Public Sanitary Sewer within ninety (90) days after the date of official notice to do so.
- (F) Notwithstanding Section 51A.005(D) and (E) to the contrary, an Owner whose property lies in the Redevelopment Area shall not be obligated to connect its property to the Public Sanitary Sewer

even though the Public Sanitary Sewer may be located within 250 feet of the property line of such property. The ability of such Owner to elect non-connection even though the Public Sanitary Sewer System lies within 250 feet of the Owner's property line shall expire on December 31, 2006. If an Owner in the Redevelopment Area desires to connect its property to the Public Sanitary Sewer System prior to December 31, 2006, the Village shall have the right to delay such connection for up to six (6) months if, in the reasonable judgment of the Village Engineer, to delay such connection shall further the Village's efforts in infrastructure planning for the Redevelopment Area and/or adjacent areas in the Triangle.

(Am. Ord. 04-36, passed 11-15-04)

§ 51A.006 CONNECTION REVIEW AND INSPECTION FEES.

It shall be unlawful to connect any sewer line serving any premises to any Public Sanitary Sewer of the Village without first securing a permit therefor and paying the fees herein required. The fees for review and inspection of such connections shall be two hundred dollars (\$200.00).

The applicant shall furnish all labor and materials required for installing sewer service from the main to the premises to be served.

Applications for connection permits shall conform to the general ordinances relating to applications for permits, and no such permit shall be issued until the permit fee and all other fees as provided in this Chapter are paid.

§ 51A.007 BUILDING SEWERS AND CONNECTIONS.

- (A) No Person shall uncover, make any connections with, or opening into, use, alter, or disturb any Public Sanitary Sewer or appurtenance thereof without first obtaining a written permit from the Village Engineer.
- (B) All disposal by any Person into a Public Sanitary Sewer is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.
- (C) There shall be two (2) classes of building sewer permits: (1) for residential service and (2) for commercial service. In either case, the Owner or his agent shall make application on the MWRD permit application form. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village Engineer.
- (D) A building sewer permit shall only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage system, including sewers, pump stations, and wastewater treatment system, have sufficient reserve capacity to handle adequately and efficiently the additional, anticipated waste load.
- (E) All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- (F) A separate and independent building sewer shall be provided for every building.
- (G) The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing regulations of the BOCA Code in the form adopted by the Village or other applicable rules and regulations of the Village, as well as all ordinances and regulations of MWRD. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriated specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply. In case of conflict, the provisions of the applicable Village code shall take priority.
- (H) Whenever possible, the building sewer shall be brought to the building at or below the elevation of the building service connection. In any buildings in which any floor elevation is lower than the finished street grade, sanitary sewage carried by the building drain shall be lifted by a means which is approved in accordance with this Chapter and discharged to the building sewer.
- (I) No Person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a Public Sanitary Sewer.
- (J) The connection of the building sewer into the Public Sanitary Sewer shall conform to the requirements of the building and plumbing regulations of the BOCA Code in the form adopted by the Village, or other applicable rules and regulations of the Village as well as all ordinances and regulations of MWRD or, in the absence of Village rules or regulations, the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Construction in Illinois. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the authorized Village official before installation.
- (K) The applicant for the building sewer permit shall notify the Village Engineer when the building sewer is ready for inspection and connection to the Public Sanitary Sewer. The connection shall be made under the supervision of the Village Engineer.
- (L) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

§51A.008 USE OF THE PUBLIC SANITARY SEWER SYSTEM.

- (A) No Person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any Public Sanitary Sewer.
- (B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Engineer. Cooling water or unpolluted process waters may be discharged on approval of the Village Engineer, to a storm sewer, or natural outlet.

- (C) No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sanitary Sewer:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage and non-perishable garbage, either whole or ground.
- (D) No Person shall discharge or cause to be discharged into the Public Sanitary Sewer System the following described substances, materials, waters, or wastes if the Village Engineer determines that such wastes are likely to harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances which may be prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty five (65) degrees Centigrade);
 - (2) Any waters or wastes containing toxic or poisonous materials, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Centigrade);
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village Engineer;
 - (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 - (5) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substance, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the MWRD for such materials;

- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the MWRD as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the MWRD in compliance with applicable state or federal regulations;
 - (8) Any waters or wastes having a pH in excess of 9.5;
 - (9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the MWRD in compliance with applicable state and federal regulations;
 - (10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the MWRD in compliance with applicable state and federal regulations;
 - (11) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - (d) Unusual volume of flow or concentrations of wastes constituting “slugs” as defined herein;
 - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters;
 - (13) Any waters or wastes having: (a) a five-day BOD greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having wastewater concentrations greater than normal as determined by sampling and testing of a user’s wastewater discharge, shall be subject to the review of the Village Engineer. Where necessary in the opinion of the Village Engineer, the Owner shall provide, at the Owner’s expense, such preliminary treatment as may be necessary to: (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment system shall be submitted for the approval of the Village Engineer and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- (E) If any waters or wastes are discharged or are proposed to be discharged to the Public Sanitary Sewers, which waters contain the substances or possess the characteristics enumerated in subparagraph (D) of this section, or which are in violation of the standards for pretreatment provided in subparagraph (D) of this section, and/or which are in violation of the standards for

pretreatment provided in 40 CFR 403, June 26, 1978, and any amendments thereto and which in the judgment of the Village Engineer, 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 Village Engineer may:

- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of paragraph (2) of this section. If the Village Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Engineer and subject to the requirements of all applicable codes, ordinances, and laws.
- (F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (G) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the Owner at the Owner's expense.
- (H) Each commercial building, and other establishments as regulated, shall be required to install an inspection manhole and, when required by the Village Engineer, the Owner of any property serviced by a building sewer carrying commercial wastes shall install a suitable inspection manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the MWRD. The manhole shall be installed by the Owner at the Owner's expense, and shall be maintained by the Owner so as to be safe and accessible at all times.
- (I) All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sanitary Sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

§51A.009 PROTECTION OF PUBLIC SANITARY SEWER SYSTEM.

No person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the Public Sanitary Sewer System. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

§ 51A.010 POWERS AND AUTHORITY OF INSPECTORS.

- (A) The Village Engineer and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, MWRD and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties connected or required by this Chapter to be connected to the Public Sanitary Sewer System for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village Engineer or his or her representative shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or system for waste treatment.
- (B) While performing the necessary work on private properties referred to in subparagraph (A) of this section, the Village Engineer or duly authorized employees of the Village, the Illinois Environmental Protection Agency, MWRD and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the Owner and Occupant and the Owner and Occupant shall be held harmless for injury or death to the Village employees and the Village shall indemnify the Owner or Occupant against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the Owner and Occupant and growing out of the gauging and sampling operation, except as such may be caused by negligence, or failure of the Owner and Occupant to maintain safe conditions as required in Section 51A.008(H).
- (C) The Village Engineer and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties connected to the Public Sanitary Sewer System through which the Village holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Public Sanitary Sewer System lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the property involved.

§51A.011 PENALTIES.

- (A) Any person found to be violating any provision of this Chapter, except persons found violating Section 51A.009 who shall be subject to immediate arrest, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Chapter.
- (B) Any person who shall continue any violation beyond the time limit provided for in subparagraph (A) of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding seven hundred fifty dollars (\$750.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- (C) Any person violating any of the provisions of this Chapter shall become liable to the Village for any losses the Village incurs relating to such violation.

§51A.012 TRAPS REQUIRED.

No use of or any connection with the Public Sanitary Sewer System shall be permitted or lawful unless the flow from such connections passes through a catch basin, grease trap, or other interceptor in the manner required by the general ordinances of the Village relating to plumbing and sewers.

§51A.013 INJURY TO SYSTEM PROHIBITED.

It shall be unlawful to cause or permit to flow into the Public Sanitary Sewer System any substance of any kind which interferes with or prevents the functioning of the Public Sanitary Sewer System or sewage disposal plant of the MWRD.

§51A.014 BILLS.

Bills for Public Sanitary Sewer Service shall be sent out to the person or persons in whose name the general taxes for the last preceding year were paid on the Subject Property as reflected in the records of the applicable county treasurer. Both the owner of record of the Subject Property and the occupant(s) of the Subject Property shall be jointly and severally liable for the payment of any bills relative to Public Sanitary Sewer Service for the Subject Property. These bills shall be dated and sent out for each Subject Property no less than four times annually. All sewer bills must be paid within twenty (20) days after the statements are postmarked. An additional ten percent (10%) late payment penalty shall be assessed on any bills paid more than thirty (30) days after the deadline. All overdue payments payable to the Village for MWRD Charges and/or for the Per Acre Charge (as defined in §51A.003 (K)) as well as penalties thereon shall be subject to an interest charge of 2.25% per quarter on unpaid balances. The rate of interest assessed against unpaid balances on the MWRD Charges and on the Per Acre Charges will be reviewed annually, and changes in the rate of interest which are approved by the Corporate Authorities of the Village, if any, shall be reflected in a further amendment to this Section.

Any property which becomes a Subject Property pursuant to an annexation by the Village or pursuant to a plat of subdivision for which the Village gives final approval shall be billed for the sewer service charge, the per acre operations charge and such other charges as may from time to time be allowed by this ordinance or other applicable ordinances. The initial bill shall be issued to the new property owner once the new Subject Property becomes part of the map exhibit submitted to MWRD with the October 1 semi-annual payment. Said bill shall be sent no less than four times annually according to the terms provided for in the paragraph above.

(Am. Ord. 2014-02, passed 01-20-14)

§51A.015 REVOCATION OF OCCUPANCY PERMIT FOR NONPAYMENT.

The Village may suspend occupancy permits for a Subject Property for which any bill or bills for sewer service remain unpaid thirty-five (35) days after such bill or bills are rendered. Prior to the Village taking such action, it shall give five (5) days' notice to the Occupant or, if the Occupant cannot be notified, the Owner of the Subject Property. Such bill or bills for sewer service shall include any and all services rendered by the Village in performance of necessary repairs and maintenance of the service pipes, meters or other equipment related to sewer servicing the Subject Property, together with all filing fees, court costs and other charges incurred by the Village in the collection of said bill or bills. Occupancy of a

building for which the occupancy permit has been suspended shall be a violation of this Chapter subject to the penalties set forth in Section 51A.011.

§51A.016 NOTICE OF DELINQUENCY.

Whenever a bill for sewer service, which service shall include any and all services rendered by the Village in the performance of necessary repair and maintenance of the service pipes, meters or other equipment related to the sewer servicing a Subject Property, remains unpaid sixty (60) days after it has been rendered, the Village Clerk shall file with the Lake County Recorder of Deeds a statement of lien claim. This statement shall contain the following:

- (A) A legal description of the Subject Property sufficient for identification thereof;
- (B) The amount of money due for such services;
- (C) The date when such amount became delinquent; and
- (D) A notice that the Village claims a lien for said amount.

If the consumer of sewer services whose bill is unpaid is not the Owner of the Subject Property, and the Village Clerk has notice of this, notice also shall be mailed to the Owner of the Subject Property, if Owner's address be known to the Clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered.

If a bill for sewer service to a Subject Property is unpaid at the time the Owner sells the Subject Property, and no statement of lien claim has been filed by the Village prior thereto, the Purchaser shall then be liable for the amount owed. Nothing herein shall be deemed to relieve an Owner who rents the Subject Property to others from liability for unpaid sewer bills for service to such Subject Property.

§51A.017 FORECLOSURE OF LIEN.

The Village shall have the power to foreclose the lien for unpaid bill or bills for sewer charges, including all filing fees, court costs and other charges incurred by the Village in the collection of said bill or bills, by suit in chancery in the Circuit Court of Lake County. Said lien shall be effective and may be foreclosed against the Subject Property whether or not the party or parties owning or occupying the Subject Property are the same as those who owned or occupied the Subject Property at the time such service was rendered.

§51A.018 PAYMENT OF BILLS FOR SEWER SERVICE.

Payment of bills for sewer service shall be made either directly to the Village or to any businesses or enterprises which have been appointed agents to receive such payments on the Village's behalf.

§51A.019 APPLICABILITY TO ALL USERS OF THE PUBLIC SANITARY SEWER SYSTEM.

The provisions of this Chapter shall be applicable to residents and nonresidents of the Village.

§51A.020 PUBLIC SANITARY SEWER SYSTEM DEVELOPMENT SURCHARGE FEE.

- (A) A Public Sanitary Sewer System Development Surcharge Fee (“DSF”) is hereby established to help defray the Village’s costs of contracting and financing, construction, equipment, materials and facilities for providing Public Sanitary Sewer Services. Payment of the DSF is hereby declared to be a prerequisite to connecting any unit of property to the Public Sanitary Sewer System, which fee shall be paid at the time of application for a sewer permit and shall be in addition to all other fees and charges required under this Chapter. The DSF shall not apply, however, to properties within Special Service Areas 2, 3, 4, 5, 6, 7, 8, 9 or 10 of the Village. The DSF shall consist of the following components:
- (1) The sum of four thousand five hundred dollars (\$4,500) per acre, calculated to the nearest one hundredth (1/100) of an acre of property to be serviced as set forth in the sewer permit application. This sum corresponds to that portion of the Extraterritorial Impact Fee which the Village must pay to the MWRD upon application for permits to service individual properties;
 - (2) A Sewer Improvements Reimbursement Fee which shall be calculated and assessed on a per acre basis, calculated to the nearest one hundredth (1/100) of an acre. The Fee shall be calculated by multiplying the Sewer Improvements Costs by a fraction, the numerator of which shall be the acreage of the property for which application for a connection permit is made and the denominator of which is three hundred fifty-nine (359). The acreage of the property for which an application is made for a permit to connect shall be deemed to be all of the contiguous acreage in single or unified ownership. The Sewer Improvements Costs shall be the Village’s final costs of making MWRD sanitary sewer service available to the premises, as calculated by the Village Engineer following the liquidation of all such costs. The Sewer Improvements Reimbursement Fee shall include an interest component applied to the Sewer Improvements Costs (except the interest portion thereof). Interest shall commence to accrue as of the date the MWRD permits the Village to connect to its interceptor. Interest shall be at a rate equal to the highest rate of interest applicable to any of the bonds which the Village has issued for Special Service Area Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 10 improvements. The amounts collected by the Village as Sewer Improvements Reimbursement Fees shall be disbursed strictly in accordance with any and all ordinances passed and approved by the Village authorizing the sale of bonds secured by a special tax imposed on the Village’s Special Service Area Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 10;
 - (3) For all improved or unimproved properties which, according to Section 51A.005(D) of this Chapter, sanitary sewer service was available, but the Owner of such property has not paid all of the service charges applicable to said property at the time of application for a sewer permit, the outstanding services charges plus interest thereon at the rate set forth in subparagraph (A)(2) of this section shall be due and payable as an additional component of the DSF;
- (B) Up to eighty percent of the charges set forth in subparagraphs (A)(1) and (A)(2) of this section may be paid in equal installments over a period not to exceed five (5) years provided that interest shall accrue on each such installment at the rate set forth in subparagraph (A)(2) of this section and the applicant enters into a payment contract in a form approved by the Village Attorney.
- (C) In the event the Sewer Improvements Costs have not been fully determined and liquidated as of the date of an application for a sewer permit, then the Village Administrator shall assess and collect a deposit in an amount sufficient to cover the estimated Sewer Improvements Reimbursement Fee. If the final fee is in excess of the amount of the deposit, the applicant shall pay the difference within

seven (7) days of request by the Village. If the final fee is less than the amount of deposit, the Village shall refund the excess amount to the party which paid the fee, unless otherwise directed in writing by said party. If the applicant has chosen to pay by installment, the installment contract shall provide for the final determination and collection of the fee.

§51A.021 ILLEGAL CONNECTION.

It shall be unlawful for any Person to connect any unit of property or portion thereof to a Public Sanitary Sewer without obtaining a permit and paying the applicable fees as required under this Chapter.

§51A.022 NON-COMPLIANCE CORRECTION.

When a property is found to be non-compliant, the inspectors will verbally inform the property owner, and show them the non-compliant conditions. A letter will be sent to the property owner within two weeks of the inspection describing the non-compliant conditions and requiring correction of the non-complaint conditions within 90 days. The Village will post on its website a list of licensed, bonded contractors who are capable of performing the corrective work.

Property owners are required to notify the Village when the non-compliant conditions are corrected. The Village will send inspectors to the private property within seven working days to inspect the correction.

When properties are found to be in partial compliance, the Village inspectors will show the property owners the illegal connection. The Village will send a letter and report to the property owner documenting the illegal condition. The letter will encourage the property owner to correct the condition and will provide information about the Village's cost-sharing programs for lateral rehabilitation, sump repair and installation, rain garden construction, and storm sewer extension. The letter will also inform the property owner that in the event of substantial improvement to the property, the illegal conditions must be corrected. Similarly, in the event of a teardown, the lateral must be replaced or lined.

§51A.023 ENFORCEMENT.

If the non-compliant conditions are not addressed within 90 days, other than when a violation notice is issued after September 1st, in which case the non-compliant condition must be addressed in 120 days, a violation notice will be issued to the property owner which requires the condition to be corrected in 14 days and requires payment of a penalty. The violation notice will state that water service may be shut off in the event of continued non-compliance. If the conditions are not addressed within 14 days, a second violation notice will be issued and water service will be shut off. The Village may elect to initiate a suit against non-compliant property owners.

When a non-compliant property submits a building permit application for substantial improvement, the submitted drawings must include disconnection of all illegal I/I sources. A building permit will not be issued unless the drawings include this work. If/when the Village begins a program of directly funding some private property improvements, enforcement measures for non-compliance will be determined at that time.

§51A.024 PENALTY.

Any person who connects a unit of property or portion thereof to a Public Sanitary Sewer without having been issued a permit by the Village and paying all required fees, shall be fined not more than seven hundred fifty dollars (\$750.00) per violation, and in addition shall pay to the Village its costs of enforcement. Each day of an unpermitted connection shall constitute a separate violation.

§51A.025 PAYMENT PREREQUISITE TO SERVICE.

No premises shall be served by or be or remain connected with a Public Sanitary Sewer unless the sewer service charges hereinafter designated shall be paid. It shall be the duty of the Owner of all premises so served to pay the charges herein prescribed. The Village will accept payment, however, from a Person other than the Owner, which shall not constitute a waiver of the Village's rights to collect all outstanding charges from the Owner. Nothing in this section is intended to prohibit private agreements respecting private obligations to pay for sewer service, but such agreements shall not relieve the Owner from the obligation to pay the Village.

§51A.026 SEWER SERVICE CHARGES.

- (A) The sewer service charges set forth in this section shall be paid (1) with respect to all improved property required to be connected to the Village's Public Sanitary Sewer System in accordance with the provisions of Section 51A.005(D) of this Chapter and (2) all property for which the Village has approved and provided Special Service Area financing for sanitary sewer construction to service such property. Payment of service charges for all other properties within the Service Area for which the Village is obligated to make payment to MWRD shall accrue, but, at the option of the owner, may be deferred with interest at a rate of .75% per month due and owing in accordance with Section 51A.020(A)(3) of this Chapter until application is made to MWRD to connect said property to a Public Sanitary Sewer. The Village will assume that Property Owners who are not currently required to have their properties connected to the Village's Public Sanitary Sewer System and who do not pay have chosen to defer payment and accumulate interest unless and until they begin making payments on a current basis. Provided, however, that no sewer service charges shall accrue against any property owned by a governmental entity unless and until an application to connect such property to a Public Sanitary Sewer is made.
- (B) The components of the Village's sanitary sewer service charge shall be as follows:
- (1) MWRD Charge: For a Subject Property subject to the service charges, there shall be a charge equal to one hundred forty (140%) percent of the most recent ad valorem tax rate levied by the MWRD upon property within its corporate limits multiplied by the latest available equalized assessed value of the Subject Property. The amount of the charge shall be an annualized basis and the Village shall adjust the charges from time to time upon receipt of the most recently available equalized assessed valuation so that the total charges within a calendar year are equal to the above-stated sum. In the event that the Village's Public Sanitary Sewer is first connected to the MWRD interceptor at any time other than after January 1 of the calendar year, the annualized charge shall be prorated as and from the date of such connections. For any properties which first become subject to sewer service charges at any time after January 1 of a calendar year, whether by annexation to the Village or otherwise, this charge also shall be prorated as and from the date the property first became subject to such charge. in the event a property Owner challenges the equalized assessed valuation of the property subject to the sewer service charge in the manner allowed by law

and obtains a reduction of the equalized assessed valuation, the Village shall allow a rebate or credit against the amount of the charge only to the extent the Village receives a rebate or credit from MWRD. In such cases, the Owner shall be responsible for pursuing the claim for rebate or credit from the MWRD and the Village shall provide reasonable assistance and cooperation in such efforts.

- (2) User Charge: Where the provisions of the MWRD User Charge Ordinance are applicable to a Subject Property in the Service Area, the Owner of the Subject Property shall be responsible for cooperating with the MWRD and the Village in determining the applicable User Charge and for making all User Charge payments to the MWRD. In the event that the MWRD requires the Village on behalf of the MWRD or otherwise, to collect the User Charges and/or any penalties owed under the MWRD Intergovernmental Agreement, any Person subject to such charge and/or penalties shall pay such amount to the Village upon being billed therefor. The Village shall remit all User Charge monies collected on behalf of the MWRD to the MWRD in accordance with the MWRD Intergovernmental Agreement.
- (3) Per Acre Operations Charge: A Per Acre Operations Charge shall be assessed and payable based upon the projected annual revenue required to operate and maintain the Public Sanitary Sewer System, including costs of billing and administration and a reserve for replacement. The adequacy of this charge shall be reviewed annually by the Village following a review of the annual year-end audit of the sewer accounts. This charge shall be revised periodically by resolution of the Village Board of Trustees to reflect changes in operation and maintenance costs, including replacement costs as well as any local financing costs, as required. The Per Acre Operations Charge for a Subject Property shall be based upon the total acreage of the Service Area less right of way acreage, as illustrated on the most recent map exhibit submitted to MWRD with the October 1 semi-annual payment; and the Per Acre Operations Charge shall be calculated to the nearest one hundredth (1/100th) of an acre. Notice of the current per-acre amount shall be continuously posted at the Village offices.
- (4) Notice of Charges: A copy of this section 51A.026 and of Section 51A.020 properly certified by the Village Clerk shall be filed in the office of Recorder of Deeds of Lake County and shall be deemed notice to all Owners and Occupants of real estate within the Service Area of the charges for Public Sanitary Sewer Service on their properties.

§51A.027 ACCOUNTS AND RECORDS.

- (A) Revenue: All revenues and monies derived from the operation of the Public Sanitary Sewer System, other than the Sewer Improvement Reimbursement Fees, provided for in Section 51A.020(B), shall be deposited in a separate account by the Village Treasurer and designated as the Public Sanitary Sewer Fund of the Village of Deer Park.
- (B) Accounts: The Village Treasurer shall establish a proper system of accounts and shall keep proper records and accounts in which complete and correct entries shall be made of all financial transactions relative to the Public Sanitary Sewer System and, at regular annual intervals, shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the Public Sanitary Sewer System. The Village Treasurer also shall provide all information and remit all funds owed to the MWRD as required by the MWRD Intergovernmental Agreement. With the approval of the Village Board, the Treasurer's duties under this Subsection B may be contracted to a third party service provider.

- (C) Access to Records: The Illinois Environmental Protection Agency or the United States Environmental Protection Agency or their authorized representative shall have access to any books, documents, papers, and records of the Village which are applicable to the Village's operations, revenues and costs of the Public Sanitary Sewer System for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state or federal grant.

§51A.028 TRANSFER PROPERTY INCLUSION FEE.

In conjunction with the expansion of the Service Area to include the Transfer Property the Village will pay to MWRD a fee of \$3,000 per acre (the "Transfer Property inclusion Fee") for inclusion of the Transfer Property in the Service Area. Upon annexation to the Village, the owner of a parcel of the Transfer Property shall reimburse the Village for that parcel's share of the Transfer Property Inclusion Fee plus interest at the rate of ten percent (10%) per annum for the period between the date which the Village pays the Transfer Property Inclusion Fee to MWRD through the date that the property is annexed to the Village. Notwithstanding the foregoing, the Village will not require annexing property owners to pay interest charges for parcels of the Transfer Property annexed to the Village prior to June 1, 2004. The amount of the Transfer Property Inclusion Fee for each property shall be calculated by multiplying the acreage of the property to be annexed by \$3,000.

(Ord. 00-10, passed 4-17-00)

(Ord. 00-34, passed 10-16-00)

(Ord. 00-41, passed 12-18-00)

(Am. Ord. 03-18, passed 12-18-03)

(Am. Ord. 2014-02, passed 01-20-14)

(Ord. 2019-13, passed 6-20-19)