ORDINANCE NO. 648

ANNEXATIONS AND CONNECTION PERMIT FEE SYSTEM

WHEREAS, the Board of Trustees of the Wheaton Sanitary District, hereinafter referred to as "Board", desires to establish a system of charges for the District’s facilities; and,

WHEREAS, Illinois Compiled Statutes (70 ILCS 2405), the Illinois Sanitary District Act of 1917, authorizes the District to assess fair and reasonable charges to users of the system for construction, expansion, and extension of the system; and,

WHEREAS, the District desires to rescind Ordinance No. 621 and to replace it with this Ordinance No. 648; and,

WHEREAS, the impact of users of the system is measured by the characteristics of the wastewater flow discharged by the users; and,

WHEREAS, development within the service area of the District has evolved to the point where most properties, with the exception of some isolated pockets, have an existing sanitary sewer system available for connection; and,

WHEREAS, the service area has matured to the point where most of the additional capacity requirements will be generated by denser and vertical development in areas where sanitary sewers already exist; and,

WHEREAS, construction costs typically change from year to year; and,

WHEREAS, the original cost of construction, adjusted by an appropriate index, is an equitable method of determining the current replacement cost of the system capacity; and,

WHEREAS, the Engineering News Record Construction Cost Index (ENR CCI) is deemed to accurately reflect the increases in the cost of construction of public works facilities, including sanitary sewers and wastewater treatment facilities; and,

WHEREAS, the District desires to take an integrated approach to long term maintenance of the wastewater facilities; and,

WHEREAS, the loading from a commercial/industrial facility should be determined based on a population equivalent; and,
WHEREAS, if a commercial/industrial user wastewater discharge has characteristics that will adversely affect the District’s sewers or wastewater treatment facilities (i.e. grease, acids, etc.), pretreatment facilities shall be required and maintained at the commercial/industrial facility by the property owner. In addition, a higher monthly user charge (Surcharge) for wastewater transport and treatment may be required; and,

WHEREAS, the Illinois Environmental Protection Agency (IEPA) requires submittal and approval of an application for Construction/Operation Permit, which is independent of the District’s permitting system; and,

WHEREAS, IEPA requires a determination of the population equivalent loading impact in its application, which must be certified by a licensed professional engineer in the State of Illinois; and,

WHEREAS, the District has determined it would be fair and equitable to use the same certified population equivalents mentioned above in the IEPA Permit application; and,

WHEREAS, the District maintains that the appropriate time frame for recovery of sewer main construction costs is twenty years; and,

WHEREAS, the District maintains that the utility bills are ultimately the responsibility of the property owner, and utility agreements between landlords and tenants are not negotiated or managed by the District; and,

WHEREAS, the District’s recourse for payment includes filing a lien against the property for unpaid charges; and,

WHEREAS, the District maintains that sanitary sewer flow contributions from residential units are largely based on the number of occupants in a residence, and that the number of occupants can vary from year to year; and,

WHEREAS, the District maintains that, over time, e.g., twenty years, sanitary sewer flow contributions from residential units will average out to be relatively consistent; and,

WHEREAS, the District maintains that, for the above reasons, a uniform permit fee for each residential unit is a fair and reasonable basis for establishing a connection fee permit for residential units; and,

WHEREAS, the District maintains that each single family residential unit should have its own individual sanitary sewer service lateral extending from the residence to the sanitary sewer main; and,
WHEREAS, the District maintains that multi-family residential units will tend to have less sanitary sewer laterals than single family units, and as a result will have less of a potential for excess infiltration/inflow (I/I) to enter the sanitary sewer system through their sanitary sewer service laterals; and,

WHEREAS, the District needs to be notified if owners or tenants change; and

WHEREAS, the District needs to know the quantity of the flow and the characteristics of the flow discharged into the sanitary sewer system; and

WHEREAS, modifications to buildings which have no significant impact on wastewater flow, e.g., the movement of walls and driveway modifications, only require notification to the District that modifications have been made; and

WHEREAS, for commercial buildings, a permit is required if there is:

1. A change in ownership;
2. A change in use which affects the chemical/organic composition of the wastewater;
3. An increase in flow of more than 10,000 gallons per month;
4. A change in population equivalents.

WHEREAS, the District wishes to simplify the permit application process; and

NOW, THEREFORE, IT IS HEREBY ORDAINED, by the Board of Trustees of Wheaton Sanitary District, DuPage County, Illinois as follows:

Section I - Recitals

The foregoing recitals are incorporated herein as if fully set forth below.

Section II - Definitions

Board shall mean the Board of Trustees of the Wheaton Sanitary District.

CCI shall mean the average annual calendar year Construction Cost Index as published in Engineering News Record (ENR).

Collector Sewer shall mean the local sewer to which individual sanitary sewer services drain directly.
Connection shall mean the physical attachment of a service lateral from private property to the public sewer to convey wastewater from the private property to the public sewer system and/or the installation of additional plumbing fixtures draining to an existing service lateral that will result in an additional hydraulic or organic load on the treatment works.

Connection Permit shall mean a permit authorizing the discharge of a specific volume and type of wastewater to the sanitary sewer system.

Date of Initial Submittal shall be the date that an applicant makes an initial submittal of the permit application which has not yet been reviewed by the District.

Date of Complete Submittal shall be the date that the District has determined that the application submitted contains all required information.

Date of Notification shall be the date that District has completed the review of the permit and determined the permit fee due. On this date, the District shall notify the permit applicant in writing that the permit is ready for pick up and payment of the permit fee.

Discharge shall mean the drainage of sanitary wastewater from a building or property

District shall mean the Wheaton Sanitary District.

Engineering News Record shall mean the Engineering News Record as published by McGraw Hill Company.

I/I shall mean Infiltration/Inflow which is a term used to describe groundwater and storm water flow that is not supposed to enter the sanitary sewer system.

ILCS shall mean the Illinois Compiled Statutes.

Independent Living Retirement Residence shall mean a residential unit designed for long term occupancy by active retired related adults with at least two meals provided in a group setting.

Institutional Residence shall mean a facility designed for short term overnight occupancy by nonrelated persons, (e.g. hospitals, nursing homes, jails, hotels, etc.).

Interceptor Sewers shall mean the large sanitary sewers to which collector sewers drain and which convey sanitary sewage directly to the treatment plant.

Population Equivalent shall mean 100 gallons of sewage per day, containing 0.17 pounds of 5-Day Biochemical Oxygen Demand and 0.20 pounds of suspended solids discharged to the sanitary sewer system.
**Preliminary Review** shall be process during which the District reviews an Initial Submittal to determine if all required information has been included with the submittal.

**Sanitary Sewer System** shall mean the network of sanitary collector and interceptor sewers which drain to the District’s treatment facility.

**Supplemental Permit** shall mean a permit authorizing the discharge of an additional quantity or a different type of wastewater from that authorized in previous Connection Permits or Supplemental Permits

**Treatment Works** shall mean the sanitary sewer system and the treatment facility owned and operated by the District.

**User Charge** shall mean the fee charged to users of the system based on water use to defray the costs of operation, maintenance, and replacement of the treatment works of the District.

**Section III - Annexation to District**

It shall be unlawful for any property or building to discharge wastes of any kind into the sanitary sewer system of the District unless the property or building is within the corporate limits of the District.

A. **Petition for Annexation**
   A Petition for Annexation shall include the legal description of the property and shall be signed by the owners of record. The Petition for Annexation shall also be signed by resident electors residing on the property, if any. The Petition for Annexation Form is given in Exhibit A.

B. **Plat of Annexation**
   A Plat of Annexation shall be submitted with the petition for annexation. The plat shall contain the legal description of the property to be annexed, the permanent parcel number, the address, the boundaries of the property, the existing boundary of the District (to ensure the proposed parcel is adjacent to the District’s existing annexation limits), and the gross area of the proposed annexation. The plat of annexation shall be signed and sealed by an Illinois licensed land surveyor. A Plat of Annexation shall contain the information illustrated in Exhibit B.
C. Annexation Fee

A non-refundable annexation fee, as may be set by separate ordinance by the Board, shall be assessed for each annexation petition filed with the District, and it is payable at the time the annexation petition is filed. If the Board does not approve the proposed annexation, the annexation fee shall be retained to defray the staff expense in evaluating the capability of the District facilities to serve the proposed area.

D. Basis of Approval

Approval of any petition for annexation shall be at the sole discretion of the Board. Criteria for approval thereof shall include, but not be limited to, existing treatment plant capacity, existing sewer system capacity, the District’s approved service area and the nature of the facilities to be constructed on the property proposed for annexation.

Unless provided for in an annexation agreement, annexation of property to the District shall in no way commit the District to construct additional facilities to serve the newly annexed property.

Section IV - Connection Permits

A. Connection Permits Are Required For:

1. New Construction

A new discharge into the sanitary sewer system tributary to the treatment works of the District based on the volume and type of waste in Population Equivalents.

2. Modifications to Existing Structures

Modifications to existing buildings or changes in use of existing buildings where the modifications or changes in use result in:

a. Additional Population Equivalents;

b. A change in the chemical/organic composition of the wastewater;

c. An increase in flow of more than 10,000 gallons per month.
Simply by way of example:

a. Typically, a permit is not required for remodeling as remodeling usually does not increase flow volume significantly or affect the chemical/organic composition of the flow.

b. A permit is required for a new service connection to the sewer main or a new grease trap.

3. Demolition of Structures

Demolition of sanitary sewer laterals and connections to the sewer main require an inspection to verify that existing connections are properly abandoned and plugged.

Section V – Collector Sewer Costs

A. Collector Sewer Costs
   Collector sewer costs shall be based on the costs associated with the design and installation of the collector sewer.

B. Annual Adjustment of Collector Sewer Costs
   Collector sewer costs shall be based on the cost of the collector sewer and adjusted annually by the ENR CCI.

C. Discontinuation of Collector Sewer Recovery Costs
   After 20 years, the collector sewer will be deemed to be integral to the system, and permit fees will no longer be charged for the collector sewer thereafter.

Section VI - Capacity

The capacity of the wastewater treatment and pumping facilities shall be based on the design hydraulic flow of the facilities. The design capacity of interceptor sewers and collector sewers shall be based on the sewers flowing one half (1/2) of the pipe diameter.

Section VII - Population Equivalents

For purposes of determining connection permit fees, the District will generally assume Population Equivalents as follows:

A. Single-Family Residences = 4.0 for each residence (includes provision for a garbage disposal)
B. Multi-Family Residences = 1.6 for each residence (add a 0.5 population equivalent for each garbage disposal)

C. Institutional/Commercial/Industrial Facilities

1. The population equivalents from institutional/commercial/industrial facilities can vary based on uses of the buildings. In addition, the volume and character of wastewater discharged into the District’s sanitary sewer system can vary. Chemical constituents in the wastewater may require pre-treatment of the wastewater before the wastewater may be discharged into the sanitary sewer system. Therefore, the population equivalent for these facilities must be documented and certified by a licensed Professional Engineer in the State of Illinois as reported to IEPA through the use of the IEPA Construction/Operation Permit (Form WPC-PS-1).

2. The volume and character of sanitary sewer flow for many commercial facilities is frequently predictable. Typical commercial, institutional, and industrial population equivalents are summarized in Exhibit C. The typical population equivalents may not apply to a specific situation. In those instances, a licensed Professional Engineer in the State of Illinois should determine the population equivalent.

D. Credits

Population equivalents credits will be considered if a structure previously existed on the property, which was permitted and connected to the sanitary sewer system. Previous connections must be disconnected to prevent I/I from entering the sanitary sewer system. An inspection of the old connection by the District is required to ensure the old connection is properly disconnected.

Section VIII - Adjustment for Actual Water Consumption

A. Review of Actual Water Consumption

The actual water consumption of institutional/commercial/industrial users may be used to compare with the population equivalent provided with the permit application.
B. Fee Adjustment

If actual water consumption is found to be in excess of the population equivalent provided with the permit application, then an adjustment to the fee may be made to reflect the actual use of District facilities at the rate of 100 gallons per day per population equivalent. The fee shall be modified only if the variance in the data is greater than one (1) Population Equivalent, and the change in the fee shall be documented with the issuance of a modified permit. The adjustment may only be made during the first two years after permit issuance.

Section IX – Permit Application Fee

A permit application fee of $100 is required for all applications unless:

1. The District determines “No Permit is Required”; or
2. The permit application is for only a lateral “repair/replacement”; or
3. The permit application is for only a cleanout “repair/replacement”.

Section X – Sequence of Permit Application, Review, Approval, and Issuance

A. When an Initial Submittal is made and the application fee has been paid, that will set the Date of Initial Submittal. As part of an effort by the District to assist the permit applicant, the District will endeavor to complete a Preliminary Review of the Initial Submittal within five District business days to determine if all of the application paperwork has been submitted and is complete. If the District determines that the application is incomplete, the applicant will be notified in writing, and the applicant will be allotted a total of 30 calendar days from the Date of Initial Submittal to provide the missing information. If the applicant does not submit a full and complete application within the allotted 30 calendar days from the Date of Initial Submittal, the application process shall terminate, and the application fee shall be forfeited and will be retained by the District. A new application must be submitted along with payment of a new application fee for any future permit requests.

B. When the Initial Submittal is determined by the District to be full and complete, that will set the Date of Complete Submittal. The District will endeavor to review a properly completed application within five District business days from the Date of Complete Submittal.

C. After the District’s review of the application is complete and the connection fee is established, the District will notify the applicant in writing that the permit is ready. This will be the Date of Notification. The applicant will then have 30 calendar days from the Date of Notification to pay the permit fee.
D. Upon payment of the permit fee, the District will assign a permit number and issue the permit. A connection to the District’s sanitary sewer system may not be made without a permit.

E. Permits not paid and picked up within 30 calendar days from the Date of Notification shall lapse. If a permit lapses, a new application must be submitted along with payment of a new application fee.

Section XI - Payment of Permit Fee

Permit fees shall be due and payable after the connection permit is approved as ready to be issued. Permit fees are set on a fiscal year basis (i.e. May 1st to April 30th). Typically on May 1st, the new fee schedule shall apply, with the exception of those permit applications where the permit application was deemed to be a Complete Submittal prior to May 1st and still in processing.

Section XII - Use of Permit Fee

Connection permit fees are intended for the construction, expansion, and improvement of the Treatment Works.

Section XIII – Enforcement, Fees, Costs

It is unlawful and a violation of this Ordinance to connect or attempt to connect to the Sanitary Sewer System without first obtaining a connection Permit and complying with this Ordinance.

Any person who violates this Ordinance is subject to enforcement and sanctions as provided in this Ordinance.

The District is authorized to take all action necessary to abate or remedy a violation of this Ordinance.

The District’s remedies for violation of this Ordinance include authority to:

1. Disconnect an unlawful connection;

2. Coordinate the disconnection of any unlawful connection with another unit of local government, e.g., the City of Wheaton;

3. Enjoin an unlawful connection;

4. Enjoin an attempt to connect without first complying with this Ordinance;
5. Coordinate with another unit of local government the termination of water service to the property;

6. Recover user charges for all unauthorized use of the Sanitary Sewer System;

7. Recover all costs or expenses incurred by the District in correcting a violation of this Ordinance;

8. Recover reasonable attorney fees, expert witness fees, court costs and litigation expenses related to a violation of this Ordinance;

9. Recover a fine of $1,000 per day for each day of a violation;

10. Place a lien against the property for all amounts due.

The District may seek cumulative remedies.

The District may, at reasonable times, enter all buildings, other structures, and properties for the purpose of inspection to determine the status of compliance with the provisions of this Ordinance.

The remedies listed in this Ordinance are not exclusive of any other remedies available under Federal law, Illinois law, or local laws, regulations or ordinances.

Section XIV - Repealer

Any and all ordinances or parts of ordinances in conflict herewith be, and are, hereby repealed, to the extent of such conflict.

Section XV - Severability

This ordinance is severable and the invalidity or unconstitutionality of any portion thereof shall not affect the remaining portions thereof.

Section XVI - Modification of Application

The Executive Director of the District has authority, without further Board authorization, to modify the Petition for Annexation Form, the Permit Application Form, and the Permit Form consistent with the Board’s intent as expressed in this Ordinance.
Section XVII - Effective Date

This Ordinance is effective June 1, 2018.

Dated May 9, 2018

______________________________
President, Board of Trustees
Wheaton Sanitary District
Wheaton, DuPage County, Illinois

ATTEST:

______________________________
Clerk, Board of Trustees
Wheaton Sanitary District
Wheaton, DuPage County, Illinois
Exhibit A
Petition for Annexation

Now comes ______________________________ and executes this Petition for Annexation and prays that the Trustees of the Wheaton Sanitary District will, by Resolution or Ordinance, take jurisdiction of the subject property, and annex the same to and within the corporate limits of the Wheaton Sanitary District. Said property being to wit:

1. Legal Description of Property:

2. Permanent Parcel Number: ____________________________

3. Address of Property: ____________________________

The petitioner(s) is/are vested with fee simple title to the property described above.

The Petitioners state and represent that the property described in this Petition for Annexation is contiguous and adjacent to the now existing limits of the Wheaton Sanitary District or the sanitary sewer system tributary to the District's treatment plant.

That the Petitioners are willing and desirous of assuming a proportionate share of the existing bonded indebtedness of the Wheaton Sanitary District, and said bonded indebtedness, if any, shall become a lien against the premises herein described.

There are no electors residing thereon, except the undersigned.

It is petitioned that the Trustees of the Wheaton Sanitary District, shall adopt, pass, and enter into such ordinances that may be necessary to annex said property to and within the corporate limits of the Wheaton Sanitary District.

Dated this __________ day of ________________, ______

Property Owner ____________________________

Property Owner ____________________________

__________________             Resident Elector

__________________             Resident Elector
Exhibit B
Plat of Annexation Requirements

Below is a summary of the information required with a Plat of Annexation:

Legal description, permanent parcel number, address of existing building(s), and acreage to be annexed.

Land Surveyor Certification
STATE OF ILLINOIS )
) s.s.
COUNTY OF DUPAGE )

This is to certify that I, _____________________, an Illinois licensed Professional Land Surveyor, have platted for the purpose of annexation to Wheaton Sanitary District the property shown and described on the annexed plat, which to the best of my knowledge and belief, is a correct representation thereof.

________________________

Professional Land Surveyor Land
Surveyor
Seal

STATE OF ILLINOIS )
) s.s.
COUNTY OF DUPAGE )

The annexed plat is identified as representative of the property incorporated into and made part of Wheaton Sanitary District, adopted by the President and Board of Trustees of said District, dated this ___ day of ________, ___.

WHEATON SANITARY DISTRICT

________________________

COUNTY RECORDER CERTIFICATE
STATE OF ILLINOIS )
) s.s.
COUNTY OF DUPAGE )

This Instrument, No. _______________, was filed for record in the Recorder’s Office of DuPage County, Illinois, this ______ day of __________, A.D. ___ at ________ o’clock __. M.