

STANDARD METHODS:	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 Environment Federation.
STORM SEWER:	A sewer which is intended to carry storm and surface water, but no domestic or sanitary sewage or industrial wastes.
STORM WATER:	That portion of rain, snow, or sleet which flows over the surface of the ground.
SURCHARGE:	The assessment, in addition to the basic user charge, which is levied on those users whose wastes are greater in strength than concentration values established herein.
SUSPENDED SOLIDS (SS):	Solids that either float on the surface of, or are in suspension in, water, sewage, or industrial wastes, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
USER:	Any individual, firm, company, association, society, corporation, or group that discharges sewage to the wastewater treatment works of the Village of Morton.
VILLAGE:	The Village of Morton.
WASTEWATER SERVICE CHARGE:	The charge per month levied on all users of the wastewater facilities. The service charge shall be computed as outlined herein and shall consist of the total of the basic user charge, a debt service charge, a surcharge, and a depreciation charge. (Ord. 96-4, 6-3-96)

8-3-3: **PENALTIES:**

8-3-3.1: **REVOCAION OF PERMIT OR LICENSE:**

- (A) The license of any sewer contractor or the permit to perform any sewer construction or repair work, as required in this Chapter, shall become void whenever the licensee or permittee shall refuse or neglect, within ten (10) days' time after written notice thereof, to make such necessary corrections to the sewer work, either in workmanship or material, as shall have been ordered by the SPW. This time period may be extended by the Superintendent upon a proper showing of adequate cause by the licensee or permittee.
- (B) Such license or permit shall become void if such licensee or permittee shall permit the use of his name or license by another person or persons for the purpose of performing any sewer work. (Ord. 96-4, 6-3-96)

8-3-3.2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of, any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-4, 6-3-96; amd. Ord. 99-37, 12-6-99)

8-3-3.3: **SEPARABILITY OF PENALTIES:** The penalties provided in Sections 8-3-3.1 and 8-3-3.2 of this Chapter shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this Chapter. (Ord. 96-4, 6-3-96)

8-3-4: **CONSTRUCTION REGULATIONS, GENERAL:** All sewers in the Village and all sewers to be connected to the Village sewer system shall be constructed in accordance with the applicable portions of the latest edition of the "Standard Specifications for Water and Sewer Main Construction in Illinois", hereinafter referred to as "Sewer Specifications". A copy of same is available for reference and may, from time to time, be available for purchase in the Department of Public Works. (Ord. 96-4, 6-3-96)

8-3-4.1: **SEWER CONTRACTORS; LICENSE, BOND, FEE:**

- (A) Any person who desires to engage in or who shall hereafter at any time engage in the business of the construction, alteration, or repair of any sewer, sanitary connection, or storm drain within the Village shall, before commencing such work, make application to the SPW, or his designee, for a license as a sewer contractor, and shall deliver to the SPW, or his designee, his certificate of insurance with minimum liability of five hundred thousand dollars (\$500,000.00) per occurrence, and his certificate of bond, with one corporate surety to be approved by the Village Board of Trustees in the amount of twenty five thousand dollars (\$25,000.00), payable to the Village, conditioned that such person shall indemnify and save harmless the Village, its officers, and employees, of and from all liability for damages to persons or property by reason of or resulting directly or indirectly from the construction, alteration, maintenance, or repair by such person of any sewer, sanitary connection, or storm drain, or any work or act of omission or commission incidental thereto, or in connection therewith; conditioned further upon the conformance by such person with all provisions of this Chapter with respect to such work; and conditioned further upon the restoration by such applicant of any street, alley, sidewalk, right of way, easement, or pavement disturbed by him, so as to leave same in as good condition as before the work commenced, as determined by the SPW; provided, however, that any owner of a single-family residence or multi-family dwelling personally doing work on his own property shall not be considered a sewer contractor for the purposes of this Section, providing said work does not include any activities on public right of way or utility easements. Applicant must be able to demonstrate to the SPW that he has previous experience in the field, and that past work performance has been acceptable, as well as demonstrating knowledge of the "Sewer Specifications." Applicant must also obtain and maintain in his files a copy of this Ordinance, as well as a copy of "Sewer Specifications." (Ord. 04-53, 3-7-05)
- (B) Upon approval of the applicant by the SPW, or his designee, and of said bond by the Board of Trustees, the SPW, or his designee, shall forthwith issue to such applicant a license to engage in the construction, alteration, or repairs of sewers, sanitary connections, and storm drains in said Village. Each application for such license shall be accompanied by a fee of one hundred dollars (\$100.00), and such license shall be in effect from May 1 of each year through April 30 of the following year. Said bond shall remain in effect for one year after the license period. If a contractor engages in any work for which a license is required under this Chapter, prior to obtaining said license, then the fee shall be doubled. (Ord. 96-4, 6-3-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 04-53, 3-7-05)

**8-3-4.2: CONSTRUCTION OF SEWER, HOUSE SANITARY CONNECTION, OR STORM DRAIN; APPLICATION AND PERMIT REQUIREMENTS:**

- (A) No sewer of any kind (public, private, or house sanitary connection) or house storm drain shall be constructed or made, altered, or repaired, nor shall any connection of any sewer, either public or private, be constructed or made, altered, or repaired, without first having obtained from the SPW a written permit therefor. No permit shall be issued for such construction, alteration, or repair work, until the plans and specifications therefor, or required data concerning same, have first been submitted to and approved by the SPW. Before issuing such a permit, an application may be required to be filed with the SPW. The application shall be signed by the owner of the premises on which the proposed work is to be done and shall be accompanied by a complete and legible set of plans and specifications of the work to be done, or in lieu thereof, such written description or information as shall be acceptable to the SPW. All details concerning the construction of any new sewer or house storm drain and their appurtenances shall be subject to the approval of the SPW.
- (B) A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Village at the time the application is filed. If work has already begun before the aforesaid permit is obtained, then the permit fee shall be increased to one hundred dollars (\$100.00). The fee shall not be due if the work performed is done in accordance with and pursuant to the provisions of Ordinance 93-26, which prescribes the perimeter tile disconnection program, as now in effect, or as may from time to time be amended. The applicant, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- (C) A sewer permit will only be issued and a sewer connection will only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer, pumping stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (D) All costs and expense incidental 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 be occasioned, directly or indirectly, by the installation of the building sewer.
- (E) In the case of sewer construction in new subdivisions or planned residential developments, the plans as approved by the SPW, along with the properly executed "construction permit" as required by the Illinois Environmental Protection Agency (IEPA), and the payment of all fees, including but not limited to the fee for annexation, sewer tap-on, and the like, relative to subdivision or planned residential development construction, as required elsewhere in this Code, shall satisfy the permit requirements of this Chapter. This provision, however, shall not be construed to exempt such person or activity from all other requirements specified in this Chapter.
- (F) Any discharge by any person into the sewer system is unlawful except those discharges in compliance with Federal standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- (G) No basement, half-basement, or any other portion of a building having a floor elevation beneath the elevation of the rim of the next manhole upstream of the point of connection may be connected into the Village sewer by gravity. In areas where the ground line over the Village sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be three feet (3') below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the Village sewer, all sewage carried by such drain shall be lifted by approved mechanical means and discharged into the building sewer. No water-operated sewage ejector shall be used. The aforesaid provisions shall apply to all buildings constructed after March 1, 1994. (Ord. 96-4, 6-3-96; amd. Ord. 03-02, 7-7-03)

- (H) All new, altered, or repaired sanitary sewer laterals shall be constructed with a clean out installed between the building and the right-of-way line. In the absence of any right-of-way line, the clean out will be installed between the building and the lateral's connection to the Village sewer main. The configuration and location of the clean out must be approved by the Village, and the clean out shall comply with all other provisions of Section 8-3-4.2, (amd. Ord. 07-12, 6-4-07)

**8-3-4.3: SEWER CONNECTIONS:**

- (A) In every case of a proposed sewer connection, notice shall be given to the SPW specifying the time and place where the work is to commence. Such notice shall be in writing, and given at least one full day prior to the commencement of the work.
- (B) Sewer laterals from an old building may be used in connection with new buildings, only when they are found, upon examination and test by the SPW, to meet all requirements of this Chapter. The cost of the examination and test shall be borne by the owner. If an existing lateral is approved for use, a clean out shall be installed, in accordance with Section 8-3-4.2(H). (Ord. 96-4, 6-3-96; amd. Ord. 07-12, 6-4-07)

**8-3-4.4: CHANGE IN PLANS:** Any changes or modifications in the proposed work shall be considered as new work, and no such changes or modifications shall be installed or made without a supplementary permit issued therefor, subject to the same terms and conditions as hereinabove required. (Ord. 96-4, 6-3-96)

**8-3-4.5: WORKMANSHIP:** All workmanship in connection with the construction of any sewer, house sanitary connection, or house storm drain shall be of such character as to fully secure the results sought to be obtained by all provisions of this Chapter. (Ord. 96-4, 6-3-96)

**8-3-4.6: DISCONTINUANCE OF WORK:** Any person to whom a permit has been issued and who shall neglect, refuse, or fail to make good any defect or fault in any work done or materials used thereunder, within ten (10) days after written notice thereof from the SPW, shall not be permitted to do any further or additional work of constructing or repairing any sewer, connection, drain, or appurtenances in the Village, and the license and permit of such person shall be revoked by the SPW, in accordance with Section 8-3-3.1 of this Chapter. (Ord. 96-4, 6-3-96)

**8-3-4.7: EXPIRATION OF PERMIT:** Whenever any work for which a permit has been issued hereunder is not commenced within thirty (30) days after the issuance of said permit, or if the work is not satisfactorily prosecuted after its commencement and completed within ninety (90) days, such permit will be considered as having expired, and shall be null and void. (Ord. 96-4, 6-3-96)

**8-3-4.8: TESTING OF SANITARY SEWERS; MATERIAL AND METHODS:**

- (A) Prior to acceptance by the Village, all sewers shall be cleaned by the owner to the satisfaction of the SPW, and at no cost to the Village.
- (B) Only methods and materials approved by the SPW may be used for new construction and for the repair of existing sewers.
- (C) Testing may be required before Village acceptance of a sewer, and may include, but not necessarily be limited to, daylighting, inflow/infiltration, televising, deflectometer, and air testing. (Ord. 96-4, 6-3-96)

8-3-5: **HOUSE SANITARY CONNECTIONS AND STORM DRAINS; CONSTRUCTION:**

8-3-5.1: **FUNCTIONS OF HOUSE CONNECTIONS AND DRAINS:**

- (A) The domestic sewage from residences, human habitations, institutions, business buildings, stables, garages, and industries shall be conveyed from said structures in a conduit or pipe, herein termed "house sanitary connection". The connection shall extend to a public separate sanitary sewer if such sewer serves the property. No storm water, groundwater, or surface water shall be permitted to enter this house sanitary connection. The owner/user is responsible for maintaining a clear conveyance of sanitary sewer water through this lateral from the structure, up to and including the tee into the Village main. In the event of a requirement to dig up the lateral to repair a failure in the lateral, the owner/user owns and is responsible for the maintenance and repair of this lateral from the structure to the Village right-of-way. The Village is responsible for the portion of the lateral, tee, and the Village main residing in the Village right-of-way. (amd. Ord. 07-06, 5-21-07)
- (B) Sanitary or domestic sewage shall be taken to include basement floor drainage; this shall not, however, include any storm or groundwater intentionally conveyed to the basement floor, and from said basement floor to and into the sanitary sewer system.
- (C) Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.
- (D) Backwash or other washwater from swimming pools shall drain to the sanitary sewer. (Ord. 96-4, 6-3-96)

8-3-5.2: **INDEPENDENT CONNECTIONS AND DRAINS:** Each residence, institution, or business building shall have and maintain its own separate house sanitary connection. A house sanitary connection shall not be permitted to serve two (2) such adjacent residences or other units except under abnormal circumstances, and then, only with the written permission of the SPW. (Ord. 96-4, 6-3-96)

8-3-5.3: **MATERIALS AND CONNECTIONS:** All materials, joints, and connections for house sanitary connections shall conform to the applicable portions of "Sewer Specifications", as amended herein. Said conformance shall include the entire sewer service line, from the Village main to the point where the sewer comes up above the floor inside the building. The house sanitary connection shall have a minimum inside diameter of six inches (6"). (Ord. 96-4, 6-3-96)

8-3-5.4: **PIPES TO BE CLOSED:**

- (A) The ends of all pipes abandoned or not to be immediately connected shall be securely stopped by methods and materials approved by the SPW. The house sanitary connection shall remain plugged or otherwise secured against receiving storm water and/or groundwater from the time it is installed, either partially or completely, until the structure it is to serve is completely framed, roofed, and graded to the extent that storm water and/or groundwater cannot enter this pipe.
- (B) Under no circumstances will it be permissible to allow the storm water or groundwater that accumulates in the foundation and basement areas of buildings under construction to drain through the house sanitary connection. Any violation of this Section shall be subject to the penalty provisions of this Chapter. (Ord. 96-4, 6-3-96)

8-3-5.5: **BACKWATER:** Where the plumbing system of a building may be subjected to backflow of sewage or water, suitable provision shall be made to prevent overflow into the building by the installation of a satisfactory backwater valve or valves, or other satisfactory means. Said installation shall be the responsibility of the property owner. (Ord. 96-4, 6-3-96)

**8-3-5.6: COMBINED SEWER:**

- (A) New construction tributary to a combined sewer system must be designed to minimize inflow contribution to the combined system. Any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available. (Ord. 96-4, 6-3-96; amd Ord. 04-32, 9-7-04)
- (B) Inflow sources on the combined sewer shall be connected to the storm sewer within sixty (60) days of the time a storm sewer becomes available.
- (C) Any combined sewer overflow impact from non-domestic sources shall be minimized by determining which non-domestic discharges, if any, are tributary to a combined sewer overflow and in order to control pollutants in these discharges, the Village may do as follows:
  1. Require pretreatment to an acceptable condition for discharge into the public sewer.
  2. Require control over the quantities and rates of discharge.

**8-3-6: INSPECTIONS AND TESTS:****8-3-6.1: INSPECTION:**

- (A) All piping and appurtenances of any sewer or house sanitary connection shall be inspected by the SPW or his representative to ensure compliance with all the requirements of this Chapter, and to ensure that the installation and construction of the system are in accordance with the approved plans and specifications.
- (B) The SPW and other duly authorized employees of the Village, the IEPA, and the U.S. Environmental Protection Agency (USEPA), bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Chapter.
- (C) It shall be unlawful for any person to make use of any new, reconstructed, or repaired sewer, or any part thereof, which has not been inspected and approved. The SPW is hereby authorized to disconnect any such newly constructed, reconstructed, or repaired sewer in operation, which has not been inspected and approved, and he may enter upon any public or private property for the purpose of such disconnection. It shall be the responsibility of the owner or his agent to reinstate, at his expense, by the approved methods and materials specified in this Chapter, any service so disconnected. (Ord. 96-4, 6-3-96)

**8-3-6.2: NOTIFICATION:**

- (A) It shall be the duty of the owner or his agent to notify the SPW or his representative, by telephone or in writing, not less than two (2) working hours before the inspection is requested to set a time for said inspection. If an inspection is desired outside of normal working hours or on a weekend or holiday, prior arrangements must be made. If such an inspection is allowed, the owner or his agent shall be responsible for such additional charges incurred by the Village, due to the inspection being requested outside of normal working hours. If the weekend or holiday or after-hours inspection is not considered feasible by the SPW, then the work must be scheduled such that the inspection can be accomplished during a normal work day.
- (B) If the SPW finds, on inspection, that the work or materials are not satisfactory, the owner or his agent shall remedy said defect and then renotify as in subsection (A) above for a reinspection. One reinspection will be done for the original permit/inspection fee. If, upon reinspection, the work or materials are still not acceptable, an additional permit/inspection fee will be levied.

- (C) No sewer excavation shall be backfilled until said sewer has been inspected and approved. (Ord. 96-4, 6-3-96)

8-3-6.3: **CONDEMNED MATERIALS:** The presence of any material near the site of the work, other than that approved, shall be sufficient cause for condemning part or all of the work. (Ord. 96-4, 6-3-96)

8-3-6.4: **DEFECTIVE WORK:** Whenever inspection discloses work which does not conform to the requirements of this Chapter, such defective work shall be corrected immediately, and the work shall be reinspected. (Ord. 96-4, 6-3-96)

8-3-7: **USE AND PROTECTION OF THE SEWER SYSTEM:**

8-3-7.1: **PURPOSE OF THE SANITARY SEWER SYSTEM:** The separate sanitary sewer system of the Village has been designed and built to carry away domestic sewage and industrial and commercial wastes as permitted, and has not been designed to carry storm water, surface water, or groundwater. Any act which shall cause any storm or surface water or groundwater to be conveyed to the sanitary sewers shall be directly contrary to the provisions of this Chapter, and is strictly prohibited. (Ord. 96-4, 6-3-96)

8-3-7.2: **USE OF PUBLIC SEWERS REQUIRED:**

(A) All property owners within the Village are required to attach any operating human waste disposal systems on their property to available sanitary sewer mains, in such a manner that no sewage is discharged except into said sanitary sewer mains. For the purpose of this Section, "available sanitary sewer main" shall mean any sanitary sewer main within two hundred feet (200') of any property line describing the lot in question which is tributary to the Village's wastewater facilities. Connection to an available sanitary sewer main is not required if the property has a septic system in effect on August 1, 2006 and the system is more than six hundred feet (600') from the sanitary sewer main. (amd. Ord. 06-22, 9-5-06)

(B) In those cases where there is an existing residential or commercial structure that is a source of domestic sewage, and that predates the "available sanitary sewer main" as defined herein, and is situated at a distance of two hundred feet (200') or less, measured normally from said main, the Board of Trustees may, by resolution, modify the mandatory connection provision of this Section. If a property is not required to connect to the sewer system, wastewater service charges will be applicable as if the property were connected. (Ord. 96-4, 6-3-96)

If the property owner is not notified in writing at least one hundred twenty (120) days prior to the construction of the sanitary sewer that comes within two hundred feet (200') of the property, the Village will reimburse up to thirty five hundred dollars (\$3500.00) of the cost of the connection in the Village right-of-way, upon submission of paid invoices. Property owner notification shall include the developer's name, address, and phone number; the approximate cost of providing a tee and lateral after the sanitary sewer is completed; and a copy of this ordinance. (amd. Ord. 07-13, 6-4-07)

8-3-7.3: **PROVISIONS FOR DISCHARGE OF WASTE AND SEWAGE:**

- (A) Discharge of human waste at any time, in such manner or location so as to create a health hazard, shall be a violation of this Section, and said violation shall be subject to the penalties of this Chapter.
- (B) The discharge of sewage in violation of any of the provisions of this Section shall constitute and is hereby declared to constitute a public nuisance.
- (C) No existing septic tank or cesspool shall be connected in any way, directly or indirectly, to the public sewer system. Any septic tank or cesspool discovered due to required maintenance, repair, or pumping, shall be emptied, backfilled, and bypassed within thirty (30) days.

## CHAPTER 10

**DISCHARGING OF SUMP PUMPS AND PERIMETER TILES  
INTO SANITARY SEWERS**

## SECTION:

- 8-10-1: Purpose
- 8-10-2: Inspection Authorization
- 8-10-3: Testing Procedures
- 8-10-4: Court Action
- 8-10-5: Procedure To Secure Authorization
- 8-10-6: Notification Of Action Required
- 8-10-7: No Extensions
- 8-10-8: Grant Incentive
- 8-10-8.1: Grant Incentive - Repairs Only
- 8-10-9: Ineligibility For Grant
- 8-10-10: Monetary Penalty For Violation
- 8-10-11: Service Disconnection
- 8-10-12: Judicial Enforcement
- 8-10-13: Election Of Remedies
- 8-10-14: Owner Responsibility For Tenant
- 8-10-15: Effective Date For Grant Eligibility
- 8-10-16: Severability Clause

8-10-1: **PURPOSE:** This ordinance is adopted to set forth the procedures, including incentives, that will be used to enforce the provisions of Title 8, Chapter 3, Section 5.1 (C) of the Morton Municipal Code, which provides as follows: Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.

8-10-2: **INSPECTION AUTHORIZATION:** The Superintendent of Public Works, or one or more of his designees, are authorized and directed to cause an inspection of the plumbing fixtures and facilities, downspouts, sump pumps, building drains, building sewers, yard drains, area drains, and building or lot storm water, surface water, or ground water drainage devices located on or used by premises located in the Village of Morton, in an effort to locate conditions which would permit storm water, surface water, or ground water to enter directly or indirectly the public sanitary sewer. In certain cases, an inspection may require more than one entry to the premises.

The SPW shall develop a plan to inspect premises in those areas that have experienced surcharging and those areas that may contribute to surcharging and shall implement said plan as soon as reasonably practical.

8-10-3: **TESTING PROCEDURES:** The SPW, or one or more of his designees, are authorized and directed to cause "smoke tests", "dye tests", "TV monitor tests", or any combination of such tests to be conducted within any "area subject to surcharging and any area that may contribute to surcharging" in order to locate conditions which would permit storm water, surface water, or ground water to enter a building sanitary drain, building sanitary sewer, or public sanitary sewer, or if the exact location of such conditions cannot be determined, to at least determine if, during such tests, water or dye placed in or on any such premises or in any storm water collection or diversion device located on such premises, reaches the public sanitary sewer or if smoke pumped into the public sanitary sewer emerges from locations on private property.



The aforesaid testing shall be paid for by the Village of Morton, provided the owner and occupant of the premises have provided access for and consented to the inspection of the premises as provided in Section 5 of this Chapter. Notwithstanding any other provisions of this ordinance, in those cases where an owner resides in the premises, and there is more than one owner, the consent of one owner only is sufficient, and the consent of any other occupant is not needed.

Each owner and occupant of a premises shall provide access in the premises to allow the inspection. Access for the purposes of this ordinance is providing a cleanout as defined in Sections 890.740 and 890.750 in 77 Illinois Administrative Code Chapter I, Subchapter r (1986) as now in effect or as may from time to time be amended. The owner and/or occupant must also remove any obstructions that prevent access to a cleanout.

If upon first inspection the Village of Morton determines that the owner and/or occupant does not have a proper cleanout (or it is obstructed), then the owner and/or occupant shall within thirty (30) days thereafter install a proper cleanout (or remove the obstruction) and allow the Village of Morton to accomplish the inspection.

In the event the owner and occupant of a premises do not consent to the inspection as provided in Section 5 of this Chapter, or provide access as defined in this Section, then the owner shall reimburse the Village of Morton for the cost of testing. The cost of said testing is determined to be five hundred dollars (\$500.00) and said amount shall be paid to the Village of Morton within thirty (30) days of the date the Village performed the testing. The payment of this cost shall not relieve the owner of a premises of the responsibility of otherwise complying with all of the terms of this ordinance.

8-10-4: **COURT ACTION:** If the Village of Morton is unable to secure the consent of the owner or occupant of the premises to conduct the inspection described in Section 2 of this Chapter (including the providing of proper access) then the corporation counsel of the Village of Morton is hereby authorized and directed to seek judicial authorization for the Village to enter the premises and conduct the inspection. In such action, corporation counsel may also seek reimbursement for the cost of testing.

8-10-5: **PROCEDURE TO SECURE AUTHORIZATION:** The SPW, or one or more of his designees, shall notify the owner and occupant of a premises that the Village of Morton desires to inspect the premises for the purposes set forth in this ordinance. If an owner resides in the premises, then notice need be given only to one owner and need not be given to any other occupant.

Notification shall be by personal contact or by written notice sent by first class mail. In those cases where an owner does not reside in the premises, the owner shall be notified by first class mail. If there is more than one owner of a premises, notice may be given to one owner only, and it shall be deemed to be constructive notice to all other owners.

Refusal to allow inspection shall be deemed to have occurred in the following events:

- (A) A verbal statement denying access for inspection made by an owner or occupant of the premises (in those cases where an owner does not reside in the premises) to the Village employee requesting such inspection;
- (B) In those cases where the Village has been unable to contact an owner and the occupant (in those cases where an owner does not reside in the premises) in person, then if there is no response to the written notice by the owner and occupant (in those cases where an owner does not reside in the premises) within thirty (30) days of the date the Village has mailed the written notice, allowing the Village of Morton to make the inspection within said thirty (30) day period, refusal shall be deemed to have occurred. Refusal means that the owner and occupant (in those cases where an owner does not reside in the premises) have not permitted inspection within said thirty (30) day period.

8-10-6: **NOTIFICATION OF ACTION REQUIRED:** After the Village has inspected the premises, either by voluntary consent or pursuant to authorization received by court, the Village shall notify the owner by written notice sent by first class mail if there is any violation of Title 8, Chapter 3, Section 5.1 (C) of the Morton Municipal Code.

The owner shall have the following periods to correct any violation:

- (A) If a sump pump is hooked into the sanitary sewer, it shall be unhooked within ten (10) days of such notice.
- (B) If a perimeter tile (or more than one) is hooked into the sanitary sewer, then all of such tiles shall be disconnected within one (1) year of the date of such notice. If the disconnect date falls in the months of March, April, or May, the effective date shall be May 31 of the same year.

8-10-7: **NO EXTENSIONS:** The time limits set forth in Section 8-10-6 of this Chapter are deemed to be critical to the procedures set forth herein, and to the orderly elimination of the problems cited herein. Therefore, no extensions to the time limits will be allowed, and failure to comply with same shall cause an owner to lose the grant referred to in Section 8 of this Chapter, and to be subject to the penalties and other actions set forth in Sections 10, 11, and 12 of this Chapter.

8-10-8: **GRANT INCENTIVE:** The owner of a premises shall be eligible to receive a grant of the lesser of five hundred dollars (\$500.00) or the reasonable costs of unhooking the perimeter tile from the sanitary sewer, if all of the following conditions are met:

- (A) An owner and the occupant (in those cases where an owner does not reside in the premises) have provided access as defined in Section 3 of this Chapter.
- (B) An owner and the occupant (in those cases where an owner does not reside in the premises) have voluntarily consented to and allowed an inspection of the premises within the time frame set forth in Section 5 of this Chapter.
- (C) The owner has disconnected the perimeter tile within the time limits prescribed in Section 6 of this Chapter. (There is no grant incentive for disconnecting a sump pump.)

With respect to the requirement of disconnecting perimeter tiles, all such work shall be done in accordance with all other ordinances of the Village of Morton. The owner and occupant (in those cases where an owner does not reside in the premises) shall allow the Village of Morton to inspect all work to ensure that it has been done in conformity with all ordinances.

8-10-8.1: **GRANT INCENTIVE - REPAIRS ONLY:** The owner shall also be eligible for a grant of the lesser of five hundred dollars (\$500.00) or the costs of repairing a sewer lateral provided the following conditions have been met:

- (A) The owner and occupant (in those cases where an owner does not reside in the premises) have complied with all provisions of Ordinance No. 93-26.
- (B) The problem with the sewer lateral was discovered pursuant to one of the testing procedures set forth in Ordinance No. 93-26.
- (C) The owner repairs the sewer lateral in a manner satisfactory to the Village of Morton with the repair to be accomplished within one (1) year of the date of the test.
- (D) The owner shall provide satisfactory proof to the Village of Morton of the costs of the repair.

- (E) With respect to those owners who have repaired a sewer lateral prior to May 15, 2000, and otherwise meet all criteria of this section, they shall also be eligible for the grant.

The grant shall be paid only to the owner of the property at the time of the repair. The owner shall provide satisfactory proof to the Village within ninety (90) days of notification of same by the Village of their eligibility.

- 8-10-9: **INELIGIBILITY FOR GRANT:** An owner shall be ineligible to receive a grant if he or she or the occupant (in those cases where an owner does not reside in the premises) have done any of the following:

- (A) Failed to provide access or remove any obstruction to access as defined in Section 3 of this Chapter.
- (B) Failed to consent and allow inspection of the premises within the time period set forth in Section 5 of this Chapter. Failure to allow inspection includes withholding of consent by an occupant of the premises in those cases where an owner does not reside in the premises.
- (C) Failed to complete all corrective action within the time period set forth in Section 6 of this Chapter.
- (D) Failed to comply with any other provisions of this ordinance.

- 8-10-10: **MONETARY PENALTY FOR VIOLATION:** Any person who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Ordinance shall continue.

- 8-10-11: **SERVICE DISCONNECTION:** In the event an owner and an occupant (in those cases where an owner does not reside in the premises) refuse to agree to the inspection of the premises, or otherwise fail to comply with any of the provisions of this Ordinance, then the Village of Morton shall have the right to terminate the sewer service to the premises. In the event the Village elects to terminate the sewer service, the procedures set forth in Title 8, Chapter 3, Section 12 (C), (D), and (E) of this Code shall apply.

- 8-10-12: **JUDICIAL ENFORCEMENT:** In addition to any other remedies the Village of Morton has, it may elect to obtain an order from a court of competent jurisdiction requiring an owner to comply with the provisions of this ordinance.

- 8-10-13: **ELECTION OF REMEDIES:** Any of the provisions of Sections 10, 11, and 12 of this Chapter may be used by the Village of Morton, and they are not mutually exclusive.

- 8-10-14: **OWNER RESPONSIBILITY FOR TENANT:** In certain cases the occupant of a premises will not be the owner of the premises. Notice of actions required by this ordinance will be given to the owner of the premises. It shall be the responsibility of the owner to secure the consent and cooperation of all occupants for all procedures required by this ordinance, and if the owner does not or is unable to secure for any reason whatsoever the consent and cooperation of all occupants of a premises as to any procedure, then the owner shall be subject to all remedies provided for in this ordinance, and shall be responsible for the payment of all testing costs.

Owner is used in the singular in this ordinance. Where there is more than one owner of a premises, notice need be given to only one owner, and consent may be obtained from one owner only. Occupant is used in the singular in this ordinance. Notice or consent need be given to or obtained from only one occupant in those cases where an owner does not reside in the premises. (This is in addition to the notice and consent required by an owner.)

8-10-15: **EFFECTIVE DATE FOR GRANT ELIGIBILITY:** Any owner who has previously disconnected perimeter tile from the sanitary sewer after May 3, 1993, shall be eligible for the grant provided herein, subject to the following conditions:

- (A) The owner complied with all ordinances of the Village of Morton with respect to the work performed.
- (B) The owner had the Village of Morton inspect the work after it was completed.

8-10-16: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof, it is hereby declared to be the legislative intent of the Board of Trustees that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.