

TITLE 4

SERVICE TO OUTLYING TERRITORIES, PERMITS DISCHARGE STANDARDS, SERVICE CONNECTIONS AND SEWER EXTENSIONS

Repealed and replaced in its entirety on 8/28/2000 by Ordinance 00/01-O-04 effective 8/28/2000; Amended Article III on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002; Amended Articles IV and V on 7/22/2004 by Ordinance 04/05-O-01 effective 8/1/2004; Added Article VII on 12/16/2004 by Ordinance 04/05-O-03 effective 1/1/2005; Amended Articles V and VI on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Article IV on 4/11/2005 by Ordinance 04/05-O-06 effective 5/1/2005; Amended Articles IV, V and VI on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Articles IV and VI on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended Article VII on 12/20/2007 by Ordinance 07/08-O-01 effective 1/1/2008

ARTICLE I. Definitions.

The following definitions shall have the designated meanings within this Title 4:

SECTION 1. "Building Drain" shall mean that part of the sewer service connecting the system of drains within the perimeter of a building as defined in the State Plumbing Code to the private property sewer service.

SECTION 2. "District Sewer", "District Sewers" or "Public Sewer" shall mean any sanitary sewer in the District's Facility Planning Area (FPA) within Winnebago County owned and maintained by the District and includes all manholes, intercepting chambers, pump stations and forcemains, and appurtenances thereof. Sewers under construction by the District shall be considered District sewer upon acceptance of the project by the District Board of Trustees. Sewers under construction by private parties or other governmental agencies shall be considered District sewer upon satisfactory completion and acceptance by the District Engineering Manager in accordance with the provisions of the Dedication Agreement. "Public Sewer" shall also refer to sanitary sewer within the District FPA, but outside Winnebago County, that ultimately discharges into a District sewer and is owned and maintained by a local government agency other than the District.

SECTION 3. "Easement" shall mean a grant by a property owner of a right to the District for access by District personnel or authorized agents to a District sewer in Grantor's property for purposes of construction, maintenance, repair, restoration, replacement or other purposes specified in the easement grant, or access to special service features.

SECTION 4. "Private Property Sewer Service" or "Building Service" shall mean that part of the sewer service which begins at the building drain and ends at the property line, or in the case of sewers in easements, at the public sewer easement line.

SECTION 5. "Served" shall mean that public sewer is available to the subject parcel and has been extended to the upstream boundary of said parcel; should the parcel be located at the crest of a basin, public sewer may not be required to the furthest boundary of the property at the discretion of the District Engineering Manager.

SECTION 6. "Service Connection Point" shall refer to the location where a private property sewer service and a public sewer service come together. This location is usually at the property or public sewer easement line. In the case of new subdivision improvements this point is typically three (3) feet beyond the property or public sewer easement line. The point of connection may be modified with the approval of the District Engineering Manager.

SECTION 7. "Sewage" shall mean the combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such infiltrated ground, surface, and storm waters as may be present.

SECTION 8. "Sewer Cut-In" shall mean a sewer service installation into an existing public sewer at a point where there is no existing service fitting.

SECTION 9. "Special Service Feature" shall mean a service manhole, sampling manhole, monitoring manhole, grease trap, oil separator or sand trap/filter/catchbasin. Special service features are installed on the private property sewer service or may be part of the building drain. Some special service features require access easements.

SECTION 10. "Street Connection" or "Public Sewer Service Extension" shall mean a sewer service installation within a public right-of-way or public easement that extends the service from a fitting or existing service to the property or easement line.

SECTION 11. "Street Sewer Service" or "Public Sewer Service" shall mean that part of the sewer service which begins at the public sewer and ends at the property line or easement line.

ARTICLE II. Service to Outlying Territories.

SECTION 1. Contracts for Service.

District may, by written contract, allow a user owning property wholly or partially outside the District corporate limit to hook up to and use the District collection system and treatment works. In the event a contract is made pursuant to this Article, the user shall be subject to all terms and provisions of District ordinances and be required to pay all costs, charges, payments in lieu of real estate taxes (PILOT), and expenses paid by users situated within the corporate limits of the District. In cases in which Intergovernmental Agreements are executed between the District and any municipal government to provide services to and acquire an existing sewerage system, with or without the inclusion of the municipality's treatment works, such Intergovernmental Agreement shall constitute the contract specified in this section and the remaining sections of this Article.

SECTION 2. Annexation.

If the property sought to be served is contiguous to the District, and within its Facilities Planning Area (FPA) and the County of Winnebago, the property shall be annexed to the District after service is extended to it. If the property sought to be served is contiguous but outside District's

FPA and within the County of Winnebago, the property owner must petition for inclusion in the District's FPA before the property may be annexed or service provided.

SECTION 3. Requirements for Service.

If any property of a person desiring to become a user is situated outside the corporate limits of the District and not contiguous thereto so that it may not properly be annexed to the District, District, in its sole discretion, may permit such connection, provided that a contract shall be entered into between District and user which shall provide essentially as follows:

A. User may connect buildings situated only on the fully-described tract set forth in the Agreement, and in accordance with all applicable laws, ordinances and regulations of the District, local, State and Federal governments.

B. The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connection, user, capital and treatment or service charges which are applicable to all property and users uniformly.

C. The user, his successors, and assigns, shall, in addition to costs noted in this Article, annually pay an amount equivalent to District taxes (PILOT) computed as follows:

1. The equalized assessed value of the user's taxable property or any subdivided part or separate tract thereof, as determined by the proper authority of Winnebago or Boone County, Illinois, whichever is appropriate, shall be multiplied by the District's rate of tax upon real estate and personal property situated within its corporate area for said year, when the same is determined.

2. Said amount, when computed by the District, shall be charged to the user, its successors or assigns, and said statement shall be paid within thirty (30) days thereafter. Any amount remaining unpaid after due date shall draw interest at the rate of eighteen per cent (18%) per annum until paid.

3. Such amount, for partial years, shall be prorated from the date of the contract.

D. Each user, in consideration of services provided by the District, shall grant District an irrevocable easement on and upon its property for the purpose of disconnection of any sewer if the user, his successors, or assigns, fail to so disconnect when such is required under the provisions of Section 4 herein.

E. The owner of the property served shall agree to annex to the District when the property becomes contiguous to the District and when such annexation is approved by the Board. The owner shall agree that the contract will constitute a petition for annexation upon the property becoming contiguous to the District, subject only to the Board's discretion in annexing the property.

F. Such agreement shall be recorded in the Office of the Recorder of Deeds of Winnebago County, Illinois, or Boone County, Illinois, whichever is applicable. The recording shall constitute notice to any successors or assigns of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

SECTION 4. Disconnection for Non-payment.

If the user, his successors, or assigns, fails to pay amounts specified in Section 3 above when due, each and every sewer on his property or any subdivided tract thereof, for which payment is not made, shall be disconnected at the owner's expense from any other sewer which ultimately discharges to the District POTW. The user shall construct its sewer system within its property in order to allow disconnection of separate tracts.

SECTION 5. Remedies.

A. In addition to the right of disconnection, District shall have a lien upon said property or subdivided portion in the amount of any unpaid charges due therefrom. Upon the filing of notice thereof, said lien shall be deemed perfected, and the same may be charged and redeemed, or foreclosed and the property sold to satisfy the same in accordance with statutes made and provided.

B. District shall have the additional right to file a civil suit to recover:

1. the amount of said lien,
2. the full cost incurred in disconnection,
3. all its reasonable legal expenses and attorney's fees incurred as a result of such suit.

C. District shall not, without its prior written consent and acceptance, have dedicated to it, or own any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its sole cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

ARTICLE III. Discharge Standards.

SECTION 1. Conditions for Discharge to the District System.

A. Public wastewater collection facilities are required to be used for deposit of human waste, garbage or wastes that do not meet IEPA NPDES standards.

B. Except as provided in Articles II and IV of this Title, no person shall connect or cause to be connected any building or facility on property or any part thereof to any sewer unless the entire property shall first be situated within the corporate limits of the District.

C. It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid or gaseous waste unless through a connection approved by the District.

D. Such person as described in Sections 1.B. and 1.C. above shall not avoid connection to such sewer by reason of actual distance from a building or structure to the connection point of such sewer.

E. Property served by District sewer shall at all times have a valid user account as a condition precedent to discharging from such premises to District sewer. Property in violation of this Paragraph shall be subject to sewer disconnection in accordance with show cause procedures as outlined in Title 2, Article II of this Code. Any person or entity discharging to District sewer in violation of this Paragraph shall be subject to the penalties set forth in Title 8 of this Code.

Paragraph E added on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002

SECTION 2. Private Sewage Treatment and Disposal.

District shall not operate or maintain a private sewer or disposal system or facility. No provision of this Title shall be construed to provide lesser requirements for such private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local government body, the State and Federal government.

SECTION 3. Certification of Compliance with Discharge Standards

Section added on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002

A. Except as otherwise provided in this Section, no person or entity shall sell, transfer or convey ownership of a building serviced by District sewer until such time as a current certification of compliance with Title 2, Article III, Section 1 of this Code has been obtained by the property owner and deposited with the District. Transferring ownership in violation of this Paragraph shall constitute a violation of this Code and shall be subject to the penalties set forth in Title 8 of this Code.

B. Any sale, transfer or conveyance of a building serviced by District sewer which will not result in any new account establishment or transfer shall be exempt from the requirements of this Section.

C. Certification of compliance with Title 2, Article III, Section 1 of this Code shall be evidenced on a form provided by the District. A certification form shall be completed and certified by an Illinois-licensed plumber and shall require at least the following information: (1) the use of the building, (2) the discharge location of any roof or foundation drain or sump

pump, and (3) confirmation of compliance or noncompliance with Title 2, Article III, Section 1 of this Code. No certification of compliance with Title 2, Article III, Section 1 of this Code shall be considered current after one year from the date of certification.

D. In the event a certification of compliance form deposited with the District indicates noncompliance with Title 2, Article III, Section 1 of this Code, the District shall notify the property owner of the noncompliance and shall order the property owner to bring the building into compliance.

1. Orders applicable to buildings where a roof or foundation drain, sump pump, or diverter valve installation is illegal shall have a 30-day compliance period.
2. Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the-basement floor connection shall have a 60-day compliance period.

The owner of a building found in violation of Title 2, Article III, Section 1 of this Code shall be required, prior to any sale, transfer or conveyance and within the applicable compliance period, to provide the District with a certification of compliance form certifying that any building found in violation of this Code has been brought into compliance. Failure by any person or entity required to comply with this Section shall constitute a violation of this Code and shall be subject to sewer disconnection in accordance with show cause procedures as outlined in Title 7, Article II and to penalties as set forth in Title 8 of this Code.

E. Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of noncompliance may appeal by following the procedure outlined in Title 7, Article II, Section 2 of this Code.

F. In the event a certification of compliance with Title 2, Article III, Section 1 of this Code is required to be deposited on account of any sale, transfer or conveyance of a building serviced by District sewer within one year from a prior property owner filing a certification of compliance with Title 2, Article III, Section 1 of this Code, and the current owner verifies no change or alteration to the premises has occurred since the time of sale, transfer or conveyance which renders the premises out of compliance with Title 2, Article III, Section 1 of this Code, said verification shall satisfy any certification of compliance requirement imposed by this Section or as a condition to an account transfer.

G. In order not to delay or prevent a pending sale of a property affected by this Section, a buyer or other transferee may deposit with the District evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of Title 2, Article III, Section 1 of this Code within any applicable compliance period, along with evidence that adequate funds have been paid or escrowed to complete said work, and a stipulation agreeing to bring the property into compliance with the provisions of Title 2, Article III, Section 1 of this Code within the applicable compliance period. Said evidence and stipulation may only be filed after depositing a certification of compliance form that indicates noncompliance with Title 2, Article III, Section 1 of this Code. No seller

or transferor otherwise subject to the penalties set forth in Title 8 of this Code shall be subject to the same upon compliance with this Paragraph. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this Code and shall be subject to sewer disconnection in accordance with show cause procedures as outlined in Title 7, Article II and to the penalties set forth in Title 8 of this Code.

H. A certification of compliance indicates so far as can be reasonably determined by an Illinois-licensed plumber during a limited visual inspection of the premises, only that the premises meets the requirements of Title 2, Article III, Section 1 of this Code. The District assumes no liability in any property inspection or certification of compliance required under this Code. Any person or entity required to provide a certification of compliance with Title 2, Article III, Section 1 of this Code shall bear the full cost and responsibility of selecting an Illinois-licensed plumber to inspect their building and to determine compliance with this Article.

ARTICLE IV. Service Extensions and Connections.

Article repealed and replaced in its entirety on 7/22/2004 by Ordinance 04/05-O-01 effective 8/1/2004; Amended Section 4 Paragraph A and Section 5 Paragraph B on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Section 4 Paragraph A on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

SECTION 1. Construction of Sewer Services and Sewer Connections.

No person other than an authorized employee, contractor or agent of the District shall make any connection with, uncover, alter or disturb a District sewer, public sewer service, or sewers maintained by the District, or open any manhole, septic chamber or any appurtenance thereof, or make any connection to or opening into any sewer having flow which directly or indirectly discharges into any District sewer unless in compliance with this Title and other applicable ordinances.

Registration and bonding as a Private Property Plumbing Contractor allows the contractor to perform permitted sewer service connections and service extension work, including special service features such as grease traps, sand filters/catchbasins, oil separators, sampling, monitoring and private service manholes, private pump and lift stations with their associated service forcemains. Private Property Plumbing Contractors may also perform permitted service disconnections associated with building demolition. All work must be on private property and not within public right-of-way or public sanitary sewer easements. A State of Illinois licensed plumber shall be in responsible charge and on the site while the work is being performed.

Registration and bonding as a Public Property Plumbing Contractor allows the contractor to perform permitted street connections and service extension work, including special service features such as private service manholes, and to perform public manhole core-ins and public sewer main service cut-ins. Public Property Plumbing Contractors may also perform permitted service disconnections associated with building demolition. All work must be within public right-of-way and public sanitary sewer easements. A State of Illinois licensed plumber shall be in responsible charge and on the site while the work is being performed.

Registration and bonding as a Sewer Contractor allows the contractor to perform permitted street connections and service extension work, public manhole core-ins and public sewer main cut-ins and install public manholes. Sewer Contractors may also perform permitted service disconnections associated with building demolition. All work must be within public right-of-way and public sanitary sewer easements.

SECTION 2. Registration

Any person or firm desiring to perform sanitary sewer service construction or connection to, or disconnection from, public sewer, whether the discharge is direct or indirect, except District employees, or authorized governmental personnel, must be licensed by the State of Illinois as a plumbing contractor with the work performed by a State of Illinois licensed plumber, must register at the District and pay a registration fee, except that Sewer Contractors are not required to be licensed plumbers or plumbing contractors. Registration may be as a Private Property Plumbing Contractor, Public Property Plumbing Contractor or Sewer Contractor or any combination of the three classifications. Each classification requires a separate registration. Registration shall be made upon proper application and payment of fees set by the Board by separate ordinance and shall expire at midnight the following May 31. Registration shall not be valid for a period in excess of one year, and the fee shall not be prorated for periods of less than a year. Application for registration and payment of the applicable fees shall be made with the District on forms provided by the District. Registration with the District shall not authorize construction of sewer service or cut-ins or disconnection, but is a precondition to obtaining permits to do so.

SECTION 3. Bonds

Prior to applying for a permit as set forth in Section 4 herein, each applicant must furnish a bond to the District Engineering Manager in an amount established by the Board by separate ordinance on a form provided by the District. Each bond shall be signed by an acceptable bonding company. Such bond shall be conditioned on the performance of said work in conformity with all ordinances and regulations of the District then in force and in such manner as to leave all sewers, appurtenances, landscaping, streets, alleys, sidewalks and pavement undisturbed, in as good state and condition as prior to the doings of said work, and to indemnify and save harmless the District from all loss, damage and expense on account of doing such work and any accidents and damages caused by reason thereof. District may establish different forms and require additional information for different types or location of work. Each classification requires a separate bond. Each bond shall expire at midnight on May 31 of the then current registration period.

SECTION 4. Permits and Inspections.

A. Permits.

Paragraph A repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 5/1/2005; Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

Prior to performing any sanitary sewer service construction, including but not limited to service connections, laying services and sewer cut-ins or service disconnections, the person or firm desiring to perform the sanitary sewer service construction or disconnection shall, in addition to the requirements of Sections 2 and 3 of this Article:

1. Obtain the necessary permit or permits from District in accordance with District procedures.
2. Pay all applicable service connection permit fees.
3. Pay or obtain payment of all applicable connection fees as established under Title 5.
4. Obtain and present permits from appropriate governmental agencies having jurisdiction of the area in which the work is being performed or which have other requirements for connection, disconnection or construction.
5. Provide an appropriate Industrial/Commercial Questionnaire (I/C) if the construction work involves an industrial user, a commercial user, or a residential user of five (5) or more units within a structure.
6. Obtain the appropriate District or Illinois Environmental Protection Agency Construction and Operating Permit if the expected wastewater flow equals or exceeds 1500 gallons per day average flow.
7. If the construction work involves private sewer and service construction in mobile home parks, or similar facilities, prior approval for construction from the State of Illinois Department of Public Health must be obtained, including obtaining an Illinois Environmental Protection Agency Operating Permit.

Permits shall only be issued for individual lots or parcels of record. Issuance of a single permit for multiple lots of record requires that the lots be legally combined by re-plat into a single lot, with said re-plat meeting the document provisions of the Plat Act. A single tax code identification number is not considered a legal combination of the underlying lots or parcels of record.

Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

EXCEPTION: If the existing permanent primary building structure extends across all interior lot or parcel lines of the lots or parcels involved, this requirement shall be waived provided proof of such encumbrance is provided by means of a survey prepared by a licensed surveyor. The existing primary structure must be all or part of the proposed structure that will be connected, reconnected or the subject of a change of use for sanitary sewer service permit purposes, without an expansion of the proposed primary structure encroaching on other lots or parcels not presently encumbered by the existing primary structure. The re-plat shall be required if an expansion of the primary structure encumbers previously unencumbered lots or parcels.

Added on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

Permits shall only be issued to enclosed structures. Structures with open basements or uncovered slabs-on-grade shall not be issued permits.

Permits shall not be issued to any Public or Private Property Plumbing Contractor or Sewer Contractor who has an outstanding balance of any service connection permit charges or who is not properly registered and bonded with the District or whose payment by check is returned for insufficient funds. A Plumbing or Sewer Contractor must pay all current due fees prior to the issuance of any new permits. Receipt of payment of all current due fees made by cash, certified check, cashiers check, money order or credit card will allow for the issuance of new permits without a waiting period. Receipt of payment by check shall have a ten (10) day waiting period for new permit issuance.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

Any registered and bonded Public Property or Private Property Plumbing Contractor or registered and bonded Sewer Contractor who shall neglect, refuse or fail to make good any defect or faults in any of his work done under any permit from the District shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until such defects or faults have been made good in a manner satisfactory to the District Engineering Manager. Other valid, open permits issued in favor of such Plumbing or Sewer Contractor may be closed out.

Permits issued to a Public or Private Property Plumbing Contractor or Sewer Contractor whose bond or registration expires shall be closed out and no further work shall be allowed until the Plumbing or Sewer Contractor comes into compliance with this Title.

A permit shall be valid for a period of thirty (30) days after issuance, except for permits involving special service features provided the service connection work has commenced and is ongoing. After 30 days of inactivity the permit shall expire and be closed out. All service connection permit fees paid on a closed permit are forfeited.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

B. Inspections.

Notice must be given to the Engineering Department office prior to beginning work on sanitary sewer service construction or disconnection, and no material shall be used or work covered until inspection and approval has been obtained from the District. District will inspect all construction of public sewer service extensions, special service features and disconnections.

The inspection request, except for a same day request, must be received in the office of the District Engineering Manager prior to 4:15 p.m. on the day prior to the requested inspection. Requests received outside of normal District business hours and on District holidays are considered received at 8:00 a.m. of the next business day. District business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Inspections must be scheduled through the District Engineering Department office. A minimum of two (2) hours notice is required for a same day inspection request. Same day inspection requests shall be charged an additional fee as established by the Board of Trustees by separate ordinance.

If by reason of noncompliance with this Title, through the use of defective materials or methods, or if the work is not ready for inspection at the scheduled time, a subsequent inspection becomes necessary, an additional fee shall be charged. The person doing the construction must notify the District Engineering Department office to cancel or reschedule an inspection at least two (2) hours before the originally scheduled inspection to avoid an additional inspection charge. For second and subsequent inspections, a fee shall be paid to the District in an amount to be established by the Board of Trustees by separate ordinance.

Any service connection or disconnection work done prior to the issuance of a service connection permit or after the expiration of a permit shall be considered as a same day inspection when the inspection is performed. The Plumbing or Sewer Contractor must apply for and be issued a valid permit prior to said inspection.

C. Authority of Inspectors.

The District Engineering Manager and other duly authorized employees of the District bearing proper credentials and identifications shall, within a reasonable time after notice of intent has been given, be permitted to enter upon all properties serviced by the District or which contain District property, for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Title.

SECTION 5. Fees.

A. Establishment of Fees.

The Board shall establish, by separate ordinance, the various fees to be paid by applicants as set forth herein. At a minimum, the Board shall establish fees for obtaining permits, registering with the District, obtaining same day, initial and subsequent and special service feature inspections, penalties, overtime and holiday inspection rates and establishing the amount of performance bonds to be provided to District.

B. Payment of Fees.

Paragraph B repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 5/1/2005; Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

Service connection permit fees shall be paid prior to the issuance of a service connection permit. Supplemental service connection permit fees not paid under the original permit shall be billed to the permit holder. Supplemental bills shall be paid within 30 days of issuance or before issuance of a new service connection permit, whichever occurs first. Failure to pay within the 30-day period may result in revocation of registration and other remedies as provided within this Code.

C. Revocation of Registration.

Any registered and bonded Public Property or Private Property Plumbing Contractor or registered and bonded Sewer Contractor who shall neglect, refuse or fail to make good any defect or faults in any of his work done under any permit from the District may have his registration revoked by the District Director. Except for correction work, the Plumbing or Sewer Contractor shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until such defects or faults have been made good in a manner satisfactory to the District Engineering Manager. Any and all valid, open permits issued in favor of such Plumbing or Sewer Contractor may be closed out and his bond may be enforced as to past defaults and then canceled. Registration shall be reinstated for the remainder of that current registration period upon satisfactory correction of defects.

Any registered and bonded Plumbing or Sewer Contractor who performs work without a valid permit shall have his registration revoked by the District Director. If the registration is revoked, any other valid, open permits issued to said Plumbing or Sewer Contractor shall be closed out. The Plumbing or Sewer Contractor shall make immediate correction of such illegal connection satisfactory to the District Engineering Manager.

Any unregistered or unbonded person or firm making a connection to the public sewer shall cause to be made immediate correction satisfactory to the District Engineering Manager. The District may also seek any other remedies provided for under law.

Registration for a registered and bonded Plumbing or Sewer Contractor performing an illegal connection shall be revoked for a period not less than fourteen (14) days or exceeding thirty (30) days for the first infraction. A second infraction within a twelve (12) month period shall result in a revocation not less than thirty (30) days or exceeding sixty (60) days. A third infraction within a twelve (12) month period shall result in permanent revocation of registration. Revocation shall begin after satisfactory correction, including inspection, of the illegal connection. The District may also seek any other remedies provided for under law.

ARTICLE V. Sewer Extensions.

SECTION 1. Construction of Public or Private Sewer.

No person, other than an authorized employee, contractor or agent of the District, shall make any sewer extension from, alter the cover over or disturb a District sewer, appurtenance, or open any manhole, chamber, or any appurtenance thereof of any sewer or appurtenance that discharges directly or indirectly into the District collection system and treatment works, unless in compliance with the provisions of this Code and all other applicable ordinances.

Registration and bonding as a Sewer Contractor allows the contractor to install public manholes, install new public sewer mains and associated services, install public pump and lift stations with associated forcemains and perform reconstruction work on public sewers. All work must be within public right-of-way and public sewer easements. In the case of new public sewer system construction, the right-of-way or easements must be dedicated to the public as a condition of and upon completion of the permitted work.

Sewer Contractors may also install private sewer manholes, private sewer mains and associated services, private sewer main pump and lift stations with associated private sewer forcemains and private sewer reconstructions that are designed in accordance with all applicable IEPA regulations and District policies, permitted for construction and operation by IEPA as a private sanitary sewer and constructed as if the sewer were to be public. In the case of mobile home or modular home parks the permission for construction shall be from the State of Illinois Department of Public Health in addition to receiving an Illinois Environmental Protection Agency Operating Permit.

SECTION 2. Registration.

Any person or firm desiring to perform any sewer extension from, alter the cover over or disturb a District sewer, appurtenance, or open any manhole, chamber, or any appurtenance thereof of any sewer or appurtenance that discharges directly or indirectly into the District collection system and treatment works, whether the sewer extension or reconstruction is intended to be public or private, except District employees, or authorized governmental personnel, must register at the District and pay a registration fee. Registration shall be made upon proper application and payment of fees set by the Board by separate ordinance and shall expire at midnight the following May 31. Registration shall not be valid for a period in excess of one year, and the fee shall not be prorated for periods of less than a year. Application for registration and payment of the applicable fees shall be made with the District on forms provided by the District. Registration with the District shall not authorize the construction of sewer extensions or reconstruction of the District or private sewer system, but is a precondition for obtaining permission to do so.

SECTION 3. Bonding.

Any person or firm desiring to perform public or private sanitary sewer construction or reconstruction, except District employees and authorized governmental personnel, must furnish a bond to the District Engineering Manager in an amount established by the Board by separate ordinance on a form provided by the District. Each bond must be signed by an acceptable bonding company. Such bonds shall be conditioned on the performance of said work in conformity with all ordinances and regulations of the District, IEPA and other governmental bodies then in force, and in such manner as to leave all sewers, appurtenances, landscaping, streets, alleys, sidewalks, pavement and storm drainage facilities undisturbed, in as good state and condition as prior to the performance of said work. District may establish different forms and require additional information for different types or location of work. The bond shall expire at midnight on May 31 of the then current registration period.

SECTION 4. Revocation of Registration.

Any registered and bonded Sewer Contractor who shall neglect, refuse or fail to make good any defect or faults in any of his work done on a public or private sewer system that discharges directly or indirectly to District sewer may have his registration revoked by the District Engineering Manager. Except for correction work, the Sewer Contractor shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until such defects or faults have been made good in a manner satisfactory to the District Engineering Manager. Registration shall be reinstated for the remainder of that current registration period upon satisfactory correction of defects.

Any registered and bonded Sewer Contractor who performs sewer extension or reconstruction work without a valid permit or permission from the District shall have his registration revoked by the District Engineering Manager. The Sewer Contractor shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until a valid permit has been provided to or permission has been obtained from the District Engineering Manager. Registration shall be reinstated for the remainder of that current registration period upon satisfactory receipt of a valid permit or grant of permission made.

Registration for a registered and bonded Sewer Contractor performing any illegal work shall be revoked for a period not less than fourteen (14) days or exceeding thirty (30) days for the first infraction. A second infraction within a twelve (12) month period shall result in a revocation not less than thirty (30) days or exceeding sixty (60) days. A third infraction within a twelve (12) month period shall result in permanent revocation of registration. The District may also seek any other remedies provided for under law.

Any unregistered or unbonded person or firm who performs sewer extension or reconstruction work, whether public or private, that discharges directly or indirectly to the District sewer system shall cease all work and cause to be made immediate correction satisfactory to the District Engineering Manager. The District may also seek any other remedies provided for under law.

SECTION 5. Permit and Plan Approval.

Amended Paragraphs A and B on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Paragraph B on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

A. Plan and Permit Review.

Paragraph A repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005

Detailed plans and all necessary District and IEPA permit applications shall be submitted to the District Engineering Manager for review and approval. Fees shall be paid to the District for these reviews in an amount to be established by the Board by separate ordinance.

A Design Engineering Firm that is determined by the District not to be responsive or responsible in regard to the submittal and conformance of detailed plans to Articles V and VI of Title 4 of this Code shall be suspended from further detailed plan review until all previous detailed plans submitted for review have been brought into compliance with Articles V and VI of this Title or the permit application has been withdrawn by the Applicant in writing. A Firm shall be deemed not to be responsive or responsible in the event of the Firm's failure to comply with the requirements of Articles V and VI of this Title or the Firm's failure to comply with the requirements of one or more permit application Notice of Incompleteness within forty-five (45) days of issuance of said Notice by the Firm's specific action or inaction.

B. Plan and Permit Approval.

Paragraph B repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

Prior to performing any sanitary sewer construction, the applicant, the Permittee to Construct, or the Sewer Contractor, shall:

1. Obtain District plan and District or IEPA permit application approval as necessary.
2. Obtain the necessary District or IEPA permit(s) as applicable. In the case of mobile home or modular home parks a letter authorizing construction must be received from the State of Illinois Department of Public Health.
3. Obtain and present all permits from the appropriate governmental agencies having jurisdictions of the area in which the work is being performed including but not limited to permits related to right-of-way access, street-cuts, dewatering, and blasting.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

4. Make payment of all applicable connection fees due from the specified properties.
5. Obtain and present all executed easement documents where applicable for the required sanitary sewer easements.

6. Where applicable, obtain and present the IEPA Notification of Intent for a General Storm Water Permit or provide documentation that said General Storm Water Permit application has been logged into the IEPA database for a period of at least thirty (30) days.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

7. Obtain and present the necessary Illinois Historical Preservation Agency approval.

8. Obtain and present the necessary Illinois Department of Natural Resources approval.

9. Obtain and present the necessary United States Army Corps of Engineers permit(s) where applicable.

10. Make payment of all applicable plan and permit application and review fees.

C. Inspections.

Unless waived by the District Engineering Manager, notice shall be given two (2) District business days prior to starting work on a sanitary sewer. The District must inspect all construction of public and private sewers. Inspection fees shall be paid to the District in an amount to be established by the District Board of Trustees by separate ordinance.

ARTICLE VI. Sewer and Service Design and Construction Requirements.

Re-titled on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Section 1 on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Section 1 Paragraph B Subparagraphs 5 and 6 on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

SECTION 1. Standards and Specifications.

Repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Paragraphs B and D on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Paragraph B Subparagraphs 5 and 6 on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

A. General Standards and Specifications.

All sanitary sewer and sewer service construction shall be in accordance with the most current version of:

1. District "General Provisions and Technical Specifications for Sanitary Sewer Construction."
2. Illinois Administrative Code, Title 35, Part 370 "Illinois Recommended Standards for Sewage Works."

3. Illinois Administrative Code, Title 35, Part 374 "Design Criteria for Pressure Sewer Systems."
4. "Standard Specifications for Water and Sewer Main Construction in Illinois."
5. Illinois Department of Public Health "Plumbing Code."
6. District Standard Detail Sheet.
7. District Sampling/Monitoring Manhole Details.
8. Requirements of other governmental bodies.

The "General Provisions and Technical Specifications for Sanitary Sewer Construction," District Standard Detail Sheet and District Sampling/Monitoring Manhole Details are on file with the District Engineering Manager. The District Engineering Manager may, from time to time, amend these standards and specifications. The District Engineering Manager shall provide notice to the Board of amendments to the "General Provisions and Technical Specifications."

B. Design Standards.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Subparagraphs 5 and 6 on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

In addition to the requirements of the State of Illinois Rules and Regulations (Administrative Code), Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter II: Environmental Protection Agency, Part 370 "Illinois Recommended Standards for Sewage Works" and Part 374 "Design Criteria for Pressure Sewer Systems", the following requirements shall be met:

1. Public sewer must be extended to the upstream property line or lines of each parcel or lot of record and each new subdivision development.
2. All public sewer shall be a minimum of eight inches (8") in nominal inside pipe diameter.
3. All public sewer and sewer services shall have no less than 5 feet of cover at any point, except as approved for public sewer under stream or river crossings. In no case shall a public sewer have less than 3 feet of cover under a stream or river crossing. Public sewer with less than 5 feet of cover under a stream or river crossing shall be ductile iron pipe. Public sewers having less than 5 feet of cover will require buoyancy calculations that demonstrate the sewer will not float.
4. All public sewer, manholes and sewer services shall have at least 10 feet of clear horizontal separation (outside to outside) from any storm drainage structure, any parallel storm sewer pipe, any parallel water system pipe, any water system appurtenance, any parallel utility line, any utility appurtenance, or any building.

5. All public lateral sewer to be constructed in side or rear yard areas, except as noted in Subparagraph 3 above, shall be polyvinyl chloride plastic pipe having a minimum Standard Dimension Ratio of 26.

Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

6. All public sewer and sewer services shall be below the water or storm sewer system and have at least 18 inches of clear vertical separation between the crown of the public sewer or sewer service pipe and the invert any water system or storm drainage pipe. Where it is not physically possible to provide the minimum 18 inches of clear vertical separation, the public sewer or sewer service shall be an approved water-main quality pipe. In cases where it is not physically possible to have 12 inches of clear vertical separation the sewer main or service shall have an approved steel or ductile iron pipe casing that shall extend a minimum of five (5) feet beyond the outside face of the water system or storm sewer system feature. No joint will be allowed in the casing pipe. For sewers and services of eight (8) inches or greater in diameter, the casing shall be filled with pea gravel and the ends grouted. For services of four (4) or six (6) inches in diameter the casing does not need to be filled with pea gravel unless there is a carrier pipe joint within the casing and the ends of the casing shall be capped using an approved eccentric rubber connector between the casing and carrier pipe. This does not preclude the requirement of a casing being required to meet other considerations.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

7. Where it is not physically possible for the public sewer system to be below an existing water or storm sewer system there must be at least 18 inches of clear vertical separation between the crown of the water or storm sewer system pipe and the invert of the public sewer or sewer service.

8. All public sewer shall be terminated with a manhole.

9. No public sewer manhole shall be less than 5 feet in depth.

10. Public sewer shall be designed with sufficient depth to provide for gravity service to the lowest level of all structures directly served.

11. Public sewer shall be designed with sufficient depth to provide for gravity service to the lowest level of all structures in the ultimate service area. This shall be based upon information available to the design engineer, to include topographic maps of the ultimate service area.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

12. Public sewer shall be designed to convey the peak flow from the Ultimate Service Area. The calculations shall be based on the most current zoning and land use approvals and plans.

13. Public lateral sewer manholes more than 4 feet from a roadway require a paved access having a minimum width of 12 feet and minimum cross section of 2 inches of bituminous surface and 6 inches of aggregate base.

EXCEPTION: The paved access is not required within the Village of Cherry Valley corporate limits or Cherry Valley Township roadways for lateral sewer manholes located in the public right-of-way that are more than 4 feet from a roadway surface.

14. The length of the public sewer shall be the distance from the center of the downstream manhole to the center of the upstream manhole. The slope of the public sewer and inverts of the sewer at the manholes shall be based on the distance between the outside faces of the manholes.

15. Private sewer shall be designed and constructed to public sewer standards, except all-weather manhole access and public easements or right-of-way are not required.

16. All public sewer services shall have a slope of not less than one percent (1.0%) regardless of diameter.

17. Each parcel or lot of record and each proposed lot or separate ownership unit in a multiple unit structure shall have a separate sewer service.

18. No public sewer service may exceed one hundred (100) feet in length.

19. No public sewer service shall be connected directly to a District manhole.

20. No public sewer service shall connect directly to a public sewer having a diameter of 18 inches or larger, except where the sewer service has a sewer service riser at the public sewer.

21. The wye or riser fitting at the public sewer for any public sewer service shall be a minimum of 7 feet from the outside face of a sewer manhole.

22. All public sewer services shall have a sewer service riser at the public sewer when the public sewer will be 13 feet or deeper at the sewer service fitting at the public sewer.

23. Public sewer service risers serving more than one lot shall be six inch (6") nominal inside pipe diameter. No more than two lots shall be allowed per riser.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

24. All public sewer services shall be installed with a sewer service clean-out riser at the right-of-way or sewer easement line as applicable.

25. Public sewer services for individual residential users shall be a minimum of 4 inches in nominal inside pipe diameter.

26. Public sewer services for a commercial or industrial user shall be a minimum of six inches (6") in nominal inside pipe diameter.

27. Public sewer services serving multiple buildings or units on a single lot shall be a minimum of six inches (6") in nominal inside pipe diameter.

28. Private sewer service extensions to be installed with new private sewers shall initially be extended no more than 10 feet beyond the private sewer. This point will be considered the Point of Connection. Sewer service clean-out risers will not be required on private sewer services.

29. Public pump stations shall be wet well/dry well, flooded suction pump stations. Public pump stations shall be equipped with stand-by generation.

30. Public forcemains shall be ductile iron pipe.

31. The detailed plans shall be submitted with a certification statement by the responsible licensed engineer that, that in his professional opinion based upon available information, the public sewer was designed with sufficient depth to provide for gravity service to the lowest level of all structures directly served and designed with sufficient depth to provide for gravity service to the lowest level of all structures in the ultimate service area. The certification statement should be accompanied by the professional assumptions made in arriving at said opinion.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

32. Any deviations, exceptions or variances to the above requires the submittal of a design report by the responsible licensed engineer. The report must include, at a minimum, the specific reason(s) why the standard cannot be physically met and the technical basis to support the deviation, exception or variance.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

C. Easements.

Public sewer shall be installed in exclusive sanitary sewer easements when the sewer is outside an existing public right-of-way and when a proposed development will be constructed without full public improvements. Full public improvements include, but are not limited to, a public water system, storm sewer facilities, curb and gutter and paved public roadways. The executed sanitary sewer easements shall be provided as part of the plan and permit approval.

In general, sanitary sewer easements shall have a minimum width of 20 feet, centered on the public sewer when the sewer is 12 feet or shallower in depth at any point between sewer manholes. For each foot of additional depth, or part thereof, the easement width shall be increased 1 foot to each side, up to a maximum sanitary sewer easement width of 40 feet.

D. Plan Standards.

In addition to the requirements of the State of Illinois Rules and Regulations (Administrative Code), Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter II: Environmental Protection Agency, Part 370 "Illinois Recommended Standards for Sewage Works" and Part 374 "Design Criteria for Pressure Sewer Systems", the following requirements shall be met:

1. Plans shall be prepared using the WinGIS (Winnebago County Geographic Information System) control network system. The WinGIS control network is established horizontally on the Illinois State Plane Coordinate System, North American Datum (NAD) 1983, West Zone and vertically on North American Vertical Datum (NAVD) 1988. Each plan/profile sheet shall carry a statement certifying that the WinGIS control network was used to establish the vertical project benchmark system and indicate the specific monument(s) used and the published vertical value(s).

The vertical project benchmark system shall provide a network of benchmarks that are no more than 500 feet apart and provide for a benchmark no more than 300 feet from any point of the proposed sanitary sewer system. The project benchmarks shall be established such that they will not be disturbed by the proposed construction. The nearest project benchmark(s) shall be noted on the individual plan and plan/profile sheets. Lot pins and manhole rims will not be acceptable as benchmarks.

2. Sewer extension and connection plans shall be submitted on standard plan/profile sheets. The plan/profile sheets, pump station plan sheets and special detail plan sheets shall be either a standard 24-inch by 36-inch sheet or 22-inch by 34-inch sheet. The profile shall have horizontal and vertical gridding.

The plan/profile sheets for proposed developments and sewer extensions or connections in developed areas shall have a horizontal scale of 20 feet to the inch. An alternate scale of 40 feet to the inch may be submitted in cases where the existing and proposed topographic and site features are limited and where all features depicted in the plans can be readily distinguished. The District Engineering Manager shall make this determination.

The profile shall have a vertical scale of 5 feet to the inch. In cases of vertical relief exceeding 40 feet a vertical scale of 10 feet to the inch may be submitted.

3. The detailed plans shall show and identify all physical features that could impact construction activities. At a minimum all existing and proposed sanitary sewer system facilities, storm drainage facilities, water system facilities, wells, septic systems, underground and overhead utilities, roadways, driveways, parking lots, fencing, landscaping features, individual trees 4 inches or greater in diameter, boundaries of trees and shrubs in dense areas, buildings, right-of-way lines, property lines, easements lines,

property identification numbers, addresses, first floor or lowest level elevations of all existing structures.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

4. Each line of sanitary sewer from manhole to manhole shall be shown in its entirety on at least one plan/profile sheet. The length, diameter, slope and pipe material of each sanitary sewer segment shall be labeled on or near the sanitary sewer in both the plan and profile view. A separate table or chart may be provided on the sheet but the record plans must comply with the previous sentence as an added supplement. The length, diameter, slope and pipe material of the upstream and downstream sewer lines shall be identified in the plan view.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

5. Proposed sanitary sewer manholes shall be numbered consecutively from downstream to upstream. The manhole number and diameter shall be labeled in both the plan and profile views. The proposed rim elevation and inverts shall be labeled on or near the manhole in the profile view. The inverts shall indicate the elevation, direction of flow (in or out), and compass ordinate direction (N, NE, E, etc.). Both the upper and lower inverts of outside drops shall be shown and labeled.

6. Existing sanitary sewer manholes shall be identified by the District manhole identification number. The manhole number and diameter shall be labeled in both the plan and profile views. The existing and proposed rim elevations and inverts shall be labeled on or near the manhole in the profile view. The inverts shall indicate the elevation, direction of flow (in or out), and compass ordinate direction (N, NE, E, etc.). Both the upper and lower inverts of outside drops shall be shown and labeled. The method of connection to the manhole shall be noted. Any modification required to the manhole bench shall be noted.

7. The invert elevation of each service having a conventional design service riser shall be labeled at the point where the sewer service is extended horizontally from the service riser. The horizontal component of the conventional design service riser shall be constructed at one percent slope. With the alternate riser design the invert at the property line must be noted.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

8. A District assigned record drawing number shall be shown in the lower right-hand corner of each plan or plan/profile sheet. The record drawing number shall be in a single line with the lettering a minimum of ½ inch in height.

9. Each sheet of the detailed plans shall identify the subdivision or project name.

E. Record Drawings.

Record drawings are required for all public and private sewer extensions and all public pump stations and forcemains. The record drawing shall show the actual installed location of each sewer manhole including inverts, sewer, and sewer services and accurately depict the lot or parcel lines, lot numbers, right-of-way, easements, and site improvements. The sewer service information shall be shown in tabular form on the specific lot or parcel it is related to. The format shall be as follows:

Lot or Parcel Number
Wye Location
Riser Data (when applicable)
End of Service Location
Length, Diameter and Material
Depth at End of Service

Each sheet assigned a record drawing number shall be labeled as follows:

Record Drawing
Constructed by (name of contractor)
Month (by name), Year (YYYY)

The month and year listed shall be when the work was completed.

SECTION 2. Multiple Buildings or Units on a Single Lot of Record.

In cases of multiple buildings or units on a single lot of record:

- A. Each building or unit with a separate water meter shall have a separate sewer service.
- B. If the buildings are on a single water meter, the buildings may share a common sewer service, but shall have a manhole on the private sewer service that will permit the disconnection of any individual building by District personnel. Access easements shall be provided to the District to allow access to said manhole.
- C. Every townhouse or condominium unit must have a separate sewer service or an agreement, in a form acceptable to the District, entered into before issuance of a connection permit whereby the owners of all other units agree to pay delinquent user bills for all other units, unless that property is served by a public water system that has a contract with the District for water shut off in the case of non-payment of user charge bills.

SECTION 3. Exception to Section 2 in Certain Cases.

In certain cases, District may waive the requirement for an access manhole. Those conditions are:

- A. That the property is served by a public water system that has a contract with the District for water shut off in the case of non-payment of user charge bills.

B. The use of the property must be for residential use only.

C. All buildings on the lot must have a common owner and one water meter per lot.

SECTION 4. Multiple Lots of Record on a Single Public Sewer Service.

In cases where more than one lot of record of current users shares a common public sewer service, the District shall, upon receipt of a request from an affected lot owner, provide a new public sewer service within the frontage of said lot. Public sewer must directly serve said lot for the District to extend such new public sewer service. The lot owner shall be responsible for proper disconnection from the existing common sewer service and connection to the new public sewer service in accordance with this Title. The District shall not provide a new public sewer service in cases where a previous owner requested and received District approval for a common public sewer service.

Article VII. Special Assessment and Special Service Area Projects.

Article added on 12/16/2004 by Ordinance 04/05-O-03 effective 1/1/2005; Amended by adding Section 4 on 12/20/2007 by Ordinance 07/08-O-01 effective 1/1/2008

Section 1. Criteria for Determination of Project.

A. Any portion of the proposed project area may be within 1,000 feet of the then current District corporate boundary. If not already annexed, the project area must be able to be annexed.

B. The maximum estimated total cost to receive consideration for a sewer extension project shall be \$18,000.00 per lot or parcel for the estimated on-site costs, plus \$2,000.00 per lot or parcel for the estimated off-site portion of the sewers, with the estimated off-site costs being spread over the entire ultimate service basin area that would be benefited by the off-site sewer. This may extend beyond the limits of the project area, both upstream and downstream.

Section 2. Determination of Type of Project.

A. If the proposed project meets the criteria in Section 1 above, the estimated District contribution must not exceed sixty-five (65%) percent of the total estimated gross on-site project costs for the project to proceed as a Special Assessment project. An appraisal of each property in the proposed project area will be obtained by the District to calculate the estimated property benefit for determination of the sixty-five (65%) percent maximum District contribution. If the estimated District contribution does not exceed sixty-five (65%) percent of the total estimated gross on-site project costs, the project qualifies as a Special Assessment project.

B. If the proposed project meets the criteria in Section 1 above, but the estimated District contribution exceeds sixty-five (65%) percent of the total estimated gross on-site project costs, the project qualifies as a Special Service Area project. In a Special Service Area project, the property owners shall pay sixty (60%) percent of the total estimated on-site costs. The District will pay the balance of the total on-site costs and one hundred (100%) percent of the total off-site costs.

C. Regardless of a proposed project meeting the above criteria, the final decision on proceeding with a project as either a Special Assessment or Special Service Area requires approval by the District's Board of Trustees and the availability of District funds.

Section 3. Associated Connection Fees.

A. The District may recover all or part of the total off-site costs through a fair and reasonable Payback Connection Fee imposed on properties not on the Special Assessment Roll or Special Tax Roll that may connect or discharge to the off-site sewer constructed in a Special Assessment or Special Service Area project.

B. Under either a Special Assessment or Special Service Area project, the property owner shall be responsible for all connection fees as established under Section 3(A) above and Title 5 of the Code of Ordinances.

Section 4. Withdrawing Lots of Record from the Confirmation or Special Tax Roll.

Section added on 12/20/2007 by Ordinance 07/08-O-01 effective 1/1/2008

A. In cases where a property owner of a single lot of record, whether occupied or vacant, requests the District Board of Trustees to withdraw the lot from the Confirmation or Special Tax Roll the Board shall exercise their sole discretion in determining whether the lot will remain on the Roll or be withdrawn from the Roll, absent a ruling by the Circuit Court to the contrary.

B. In cases where a property owner owning multiple contiguous lots of record, whether all vacant or vacant and contiguous to the occupied lot, requests the Board of Trustees to withdraw one or more of the lots from the Confirmation or Special Tax Roll that owner shall

be required to legally combine the lots into one or more lots by Plat with said Plat meeting the document provisions of the Plat Act as a condition of the Board withdrawing the Special Assessment or Special Tax associated with each lot. The number of Special Assessments or Special Taxes imposed shall match the number of lots in the Plat. A single tax code identification number is not considered a legal combination of the underlying lots or parcels of record.

EXCEPTION: If the existing permanent primary building structure extends across one or more interior lot lines of the multiple contiguous lots involved, this requirement shall be waived for the lots so encumbered provided proof of such encumbrance is provided by means of a written certification prepared by a licensed surveyor. A Plat would be required in the event the existing primary structure does not encumber all contiguous lots and the property owner desires a single assessment. The existing primary structure is considered the structure at the time of the project establishment that will be connected for sanitary sewer service permit purposes, without an expansion of the primary structure that may encroach on other lots not then presently encumbered.