

VILLAGE OF HOLIDAY HILLS

ORDINANCE NO. 2021-367-21

AN ORDINANCE REQUIRING SANITARY SEWER CONNECTIONS

Adopted by the  
President and Board of Trustees  
of  
the Village of Holiday Hills  
this 21 day of July, 2021

Published in pamphlet form by direction  
and authority of the Village of Holiday Hills,  
McHenry County, Illinois  
this \_\_\_\_\_ day of \_\_\_\_\_, 2021

VILLAGE OF HOLIDAY HILLS

ORDINANCE NO. 2021-367-21

AN ORDINANCE REQUIRING SANITARY SEWER CONNECTIONS

**WHEREAS**, the Village of Holiday Hills (the "**Village**") has authority to establish requirements and regulations related to sewage and sewage disposal in the Village; and

**WHEREAS**, the Village has entered into an intergovernmental agreement (the "**IGA**") with the Northern Moraine Wastewater Reclamation District (the "**District**") for the extension of the District's sanitary sewer system (the "**District System**") within the Village; and

**WHEREAS**, pursuant to and in accordance with the IGA, the Village has agreed to establish certain requirements for connections to the District System; and

**WHEREAS**, the President and Board of Trustees of the Village (the "**Village Board**") have determined that it is in the best interests of the Village and its residents to amend adopt this Ordinance and establish regulations for properties within the Village to connect to public sanitary sewers as hereinafter set forth herein;

**NOW, THEREFORE**, be it ordained by the President and Board of Trustees of the Village of Holiday Hills, County of McHenry, State of Illinois, as follows:

**Section 1: Incorporation of Recitals.** The foregoing recitals are hereby incorporated into this Ordinance as the findings of the Village Board as if fully set forth.

**SECTION TWO: Amendment to Title TBD of the Village Code.** Title TBD of the Holiday Hills Village Code is hereby amended to add a new Section \_\_\_\_\_, which new Section \_\_\_\_\_ shall hereafter be and read as follows:

**Section \_\_\_\_\_: SEWAGE AND SEWAGE DISPOSAL.**

A. In General. Each zoning lot (as defined in the Holiday Hills Zoning Ordinance) or other parcel or structure requiring sanitary sewer service (a "**Premises**") shall be connected either to a public sanitary sewer or a private sewage treatment system (i.e., the property owner's septic system approved by McHenry County) in accordance with this Section.

1. Except as otherwise provided in this Section, in areas where a public sanitary sewer is available and accessible, each Premises shall have a separate and independent connection to such public sanitary sewer. For purposes of this Section, "available and accessible" shall mean that the public sanitary sewer:
  - a. has capacity legally available to serve a Premises, and
  - b. such sewer is located (i) within 300 feet from any of the property lines of a Premises with an existing dwelling that is served by private sewage treatment systems, (ii) within 300 feet from any of the property lines of Premises on which residential development is to be established or (iii) within 1,000 feet of any of the property lines of Premises used or to be used for non-residential purposes.
2. For Premises used for residential purposes, the owner of such Premises shall connect such Premises to the public sanitary sewer in the manner provided by the then-applicable rules and requirements of the Northern Moraine Wastewater Reclamation District (the "*District*") on the earlier of:
  - a. within 120 days after the McHenry County Health Department determining that the Premises may no longer continue to utilize a private sewage treatment system for sewage disposal purposes, or
  - b. December 31, 2038.
3. For Premises used for non-residential purposes, the owner of such Premises shall, within thirty-six months after the completion of a public sanitary sewer, connect such Premises to the public sanitary sewer in the manner provided by the then-applicable rules and requirements of the District.
4. Any Premises currently utilizing a private sewage treatment system shall be required to discontinue the use of such system and take any and all actions required by the McHenry County Health Department to de-commission such system.

B. Exemptions. Notwithstanding the general requirements set forth herein, for any Premises served by private sewage treatment system that would otherwise be required to connect to a public sanitary sewer, the owner of such Premises may request a temporary exemption from such connection requirement in accordance with this Section. Only one (1) request may be made for a temporary exemption for any Premises, and a temporary exemption shall only be granted by the Village Board (i) upon a finding of practical difficulty or particular hardship in making the connection to the public sanitary sewer, and (ii) for a period not to exceed five (5) years. Any Premises for which a temporary exemption is granted shall be permitted to continue use of a private sewage treatment system for the duration and in accordance with the terms and conditions set forth in the Village Board's approval of such temporary exemption. In no case shall an exemption extend beyond December 1, 2038.

(1) *Application for Exemption*.

recommendation, and background material upon which said report and recommendation are based.

(3) *Hearing on Exemption Request.* The Village Board shall conduct a hearing on any request for temporary exemption. Written notice of such hearing shall be provided to the owner of the Premises at least 15 days before the hearing date. At the hearing, the owner of the Premises may present such additional evidence or testimony in support of the temporary exemption request, and the owner (and any consultant on whom the owner bases the application for temporary exemption) shall also be available for questioning by the Village Board. The Village Board may also hear testimony or receive information from the Village staff or other persons interested in the temporary exemption (as determined by the Village Board). Within 45 days after the conclusion of the hearing, the Village Board shall issue a decision regarding the temporary exemption request based on the standards for granting a temporary exemption. No temporary exemption shall be granted except by resolution of the Village Board, which resolution shall set forth the duration of the temporary exemption and may include such other conditions upon which the temporary exemption is granted. Any such resolution must be approved by a concurrence of a majority of the members of the Village Board then holding office, and no such temporary exemption shall be effective unless and until the owner accepts in writing to the satisfaction of the Village President or the Village President's designee the terms of the resolution approving such temporary exemption.

(4) *Standards and Conditions for Granting a Temporary Exemption.*

(a) The Village Board may grant a temporary exemption only upon a finding in the reasonable discretion of the Village Board that the application of the regulations of this Section will present a practical difficulty or particular hardship and that such temporary exemption is in harmony with the general purpose and intent of this section.

(b) In reviewing a case, the Village Board shall require evidence to the effect that:

- i. The existing private sewage treatment system has been tested and certified by the McHenry County Health Department to be in satisfactory working condition;
- ii. The building to be served shall require a service line of more than 300 feet for a residence and more than 1,000 feet for any other building;
- iii. The property does not have reasonable access to the public sewer;
- iv. The conditions upon which a request for temporary exemption is based are unique to the Premises for which the temporary exemption is sought, and are not applicable, generally, to other

Premises within the area and/or that have access to the sanitary sewer in question;

- v. The difficulty or hardship in conforming with the requirements of this section has not been created by the actions of any persons presently or formerly having an interest in the Premises; and
- vi. The proposed temporary exemption will not substantially impair the health and welfare, endanger public or personal safety, or substantially diminish or impair property values within the neighborhood.

(c) *Conditions on Exemptions.* Whether or not expressly set forth in the resolution approving an exemption, each exemption shall be limited by and conditioned upon the following:

- i. Such temporary exemption shall expire upon the approval of a subdivision of the owned premises.
- ii. Such temporary exemption shall expire at any time that it is determined that a private sewage treatment system can no longer function in a manner satisfactory to the McHenry County Health Department.
- iii. Such temporary exemption shall expire five (5) years after the exemption is granted or on December 1, 2038, whichever first occurs.
- iv. The owner of the Premises for which a temporary exemption has been granted shall execute a covenant, to be recorded with the County Recorder of Deeds,
  - (A) agreeing to connect the building to the public sanitary sewer at the time of any demolition and new development on the Premises, or any alteration or addition to the existing building that would increase the square footage of the dwelling unit by more than 300 square feet; and
  - (B) agreeing not to object to any future Village-initiated or resident-initiated sanitary sewer project that would make a public sanitary sewer accessible within 300 feet from its Premises.

Such covenant shall be in a form approved by the Village President and recorded with the County Recorder of Deeds within sixty (60) days of the date a resolution is passed granting a temporary exemption.

C. Enforcement; Penalties. This Section may be enforced by the Village directly, or on behalf of the Village by an agent of the District. Any person or Premises found in

violation of any provision of this Section shall be subject to a fine of not less than \$250.00 nor more than \$750.00 for each violation. Each provision of this Section shall be deemed a separate requirement, and a violation of multiple provisions shall constitute multiple separate violations hereunder. Each day that a violation continues shall be deemed a separate violation.

**SECTION THREE: Effective Date.** This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS 21 DAY OF July, 2021.

AYES: (X) Becudoin, Giles, Maier, Gillcrist, Thompson, Young

NAYS: ( $\emptyset$ )

ABSENT: ( $\emptyset$ )

ABSTAIN: ( $\emptyset$ )

PASSED THIS 21 DAY OF July, 2021.

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk