



## ORDINANCE NO. 07-12

### AN ORDINANCE ESTABLISHING CHARGES FOR CONNECTION TO THE SEWERAGE SYSTEM OF THE NORTHERN MORAINES WASTEWATER RECLAMATION DISTRICT, LAKE AND McHENRY COUNTIES, ILLINOIS

**BE IT ORDAINED** by the Board of Trustees of the Northern Moraine Wastewater Reclamation District, Lake and McHenry Counties, Illinois, as follows:

**Section 1.** No person, persons, corporation, partnership, limited liability company, association, unincorporated association or other legally recognized entity (hereinafter referred to as "Person"), shall make any connection to the sewerage system of the Northern Moraine Wastewater Reclamation District (hereinafter referred to as "District"), Lake and McHenry Counties, Illinois, except upon application to the District and the issuance of a permit by the District for such connection. Each application shall state the name of the applicant, the address, P.E., permanent index number, legal description of the property to be connected, and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the District officials in the issuing of the permit.

**Section 2. Sewer Connection Charge:**

- 2.1 Residential connection fees shall be in accordance with "Exhibit A" as approved by the Northern Moraine Wastewater Reclamation District. "Residential" is defined as a structure used solely as a dwelling for one or more individuals."
- 2.2 Connection fees for other than residential structures, which shall be designated "non-residential" structures (to include all uses other than purely residential uses, i.e., "non-residential" uses include a residential use coupled with another use) shall be based upon population equivalent as determined by the District from the proposed wastewater discharge strength and volume. One population equivalent shall be equal to 100 gallons per day volume with a maximum strength of 200 milligrams per liter (mg/l) biochemical oxygen demand (BOD) and 250 mg/l suspended solids (SS). Where anticipated sewage strengths exceed 200 mg/l BOD or 250 mg/l SS, the population equivalent shall be the larger of the following:
  - (a) The BOD population equivalent calculated at 0.17 pounds per day BOD per population equivalent.
  - (b) The SS population equivalent calculated at 0.21 pounds per day SS per population equivalent.
- 2.3 Where reasonable estimates of proposed wastewater volume and strength have not been provided by the applicant, the District may establish such reasonable estimates consistent with the stated use of the premises.



- 2.4 Non-Residential connection fees shall be in accordance with "Exhibit B" as approved by the Northern Moraine Wastewater Reclamation District.
- 2.5 For any property or portion thereof for which a sewer connection charge has been paid or established, and which, by alteration, enlargement or change of use, becomes subject to a higher rate for the sewer connection charge by reason of such enlargement, alteration or change of use, the owner of the premises, the occupant thereof, and the user of the sewer service shall be jointly and severally liable to notify the District thereof, and pay to the District the difference between the present cost of the original connection charge and the rate now applicable by reason of said enlargement, alteration or change of use. Notice thereof shall be given to the District no later than fourteen (14) days before the enlargement, alteration or change of use, and in the event the District is not notified within such time, an additional charge of up to \$25.00 per day may be assessed for such failure, in addition to any penalties otherwise provided by this Ordinance.
- 2.6 For connections outside the corporate limits of the District, the Board of Trustees of the District shall determine the permit fee for such sewer connection.
- 2.7 The applicant in all cases shall provide and pay the cost of construction, both labor and materials, of the sewer service from the point of connection to the premises to be served.
- 2.8 Prepaid connection fees shall only be used to reserve capacity at the treatment plant prior to the approval of final engineering plans and issuance of an IEPA permit or platting of a parcel and/or subdivision. These fees shall be accompanied with an exhibit listing the project limits and parcel numbers. Paid connection fees shall not be considered as a right to connect to the sewer system.

**Section 3. Sewer Inspection Fee:**

Sewer inspection fees shall be in accordance with "Exhibit C" as approved by the Northern Moraine Wastewater Reclamation District.

**Section 4. Distribution of Sewer Connection Funds:**

All sewer connection charges described above for property within the boundaries of the Northern Moraine Wastewater Reclamation District shall be paid into the Capital Improvement Fund and the Plant Expansion Fund and held for all costs associated with the replacement of equipment, construction of improvements and expansion of the plant facilities of the District.

**Section 5. Permit Necessary for Connection:**

No connection shall be made to the sewerage system without a permit being issued by the District. Any connection or opening made with the said system without such permit or in any manner different from the mode prescribed for such opening or connection, shall subject the maker to a penalty as hereinafter provided.



**Section 6. Permit or Prepaid Connection Fee Non Transferable:**

The connection permits granted by the District may not be transferred to any party or substituted parcel by the permittee without the prior written consent of the District.

Prepaid connection fees to guarantee treatment plant capacity are non transferable. If an applicant elects to prepay connection fees to guarantee treatment plant capacity, these fees can only be used within parcel(s) identified within the exhibit accompanying their prepaid connection fees. Refund of fees will be made at the same rate in which the fees were paid.

**Section 7. Penalty Provisions:**

Any person, or its agent or legal representative violating any of the terms and provisions of this Ordinance shall be subject to a penalty of not less than \$10 nor more than \$500 for each said violation. Each day the violation continues shall be construed as a separate offense. In the event there is a failure to make any payments due and owing under the terms and conditions of this Ordinance, the District shall send written notice of demand for payment and thereafter there shall be assessed interest on all sums due and owing in the amount of ten (10%) percent per annum.

**Section 8. Enforcement:**

A copy of this Ordinance properly certified by the Clerk, shall be filed in the Office of the Recorder of Deeds of Lake and McHenry Counties, Illinois, as additional notice to all owners of real estate of their liability for service supplied to any user of the service of the sewerage system of said District on their properties, and it shall be the duty of the Clerk and such other officers of this District to take all action necessary or required by the laws of the State of Illinois thereunto enabling them to file all claims for money due to the District and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

- (a) The owner and/or occupant of the premises required to be connected shall be jointly and severally liable to the District for connection charges, costs of enforcement, including, without limitation, penalties and the District's attorney's fees incurred in any collection or enforcement action or efforts. Further, any Person violating Section 1 of this Ordinance, including, without limitation, any Person acting pursuant to a written or oral contract with an owner or occupant of the subject premises or with a person holding himself out to be an agent or contractor for an owner or occupant of the subject premises, shall be jointly and severally liable for connection charges, costs of enforcement, including, without limitation, penalties and the District's attorney's fees incurred in any collection or enforcement action or efforts.
- (b) In the event the connection charges, including penalties due, are not paid within 30 days after the date of billing for such charges and penalties, the District shall have the right to file a statement of lien claim against the subject premises with the County Recorder of Deeds. The statement of lien claims shall include the legal description of the property and the amount due. The District shall cause notice to be served upon any occupant of the property and to the owner of the premise's last known address. The failure of the District to record the lien with the



County Recorder of Deeds or to mail the notice of delinquency and lien to the owner of the property or the failure of the owner to receive such notice shall not affect the right of the District to foreclose the lien for unpaid bills.

- (c) Property subject to the lien shall be sold for non-payment of the same, and the proceeds shall be applied to pay for the amounts due the District and costs and expenses incurred in the foreclosure including reasonable attorney fees. The foreclosure proceeding shall be by a bill-in-equity in the name of the District and the District's attorney is authorized and directed to institute such proceedings in the name of the District in any court having jurisdiction of such matters against any property for which the bill has remained unpaid for a period of 90 days.

**Section 9.** All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.


**Section 10.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**Section 11.** This Ordinance shall be in full force and effect as of May 1, 2008, as provided by law.


**PASSED** this 11<sup>th</sup> day of December 2007.

**APPROVED** this 11<sup>th</sup> day of December 2007.

AYES: 5  
NAYS: 0  
ABSENT: 0

  
Kenneth A. Michaels, Jr., President

**ATTEST:**

  
Dorothy J. Bahgle, Clerk



Prepared by:  
Northern Moraine Wastewater Reclamation District  
P.O. Box 240  
Island Lake IL 60042

Mail to:  
Northern Moraine Wastewater Reclamation District  
P.O. Box 240  
Island Lake IL 60042



## EXHIBIT A

### NORTHERN MORaine WASTEWATER RECLAMATION DISTRICT, LAKE AND McHENRY COUNTIES, ILLINOIS

#### Residential Connection Fees


The charge for making connection to the sewer mains of the sewerage system within the District shall be as follows:

<u>Type of Dwelling</u>	<u>Rate</u>	
Single Family	\$7084	(3.5 P.E.)
Multi-Family (per unit)		
1 bedroom	\$3036	(1.5 P.E.)
2 bedroom	\$6072	(3.0 P.E.)
3 bedroom	\$6072	(3.0 P.E.)


This Exhibit pertaining to Section 2.1 of the Northern Moraine Wastewater Reclamation District Connection Fee Ordinance shall be in full force and effect on the 1st day of May 2008 and publication as provided by law.

**PASSED** this 11<sup>th</sup> day of December 2007  
**APPROVED** this 11<sup>th</sup> day of December 2007

AYES: 5  
NAYS: 0  
ABSENT: 0

  
Kenneth A. Michaels, Jr., President

**ATTEST:**

  
Dorothy J. Bangle, Clerk





## EXHIBIT B

# NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT, LAKE AND McHENRY COUNTIES, ILLINOIS

## Non-Residential Connection Fees

Except as provided in Subsection 2.1 of this Ordinance, connection fees shall be \$2024 per population equivalent but not less than the following minimum schedule based upon water meter sizes:

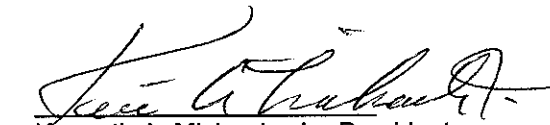
<u>Meter Size</u>	<u>Minimum Connection Fee</u>
¾" (minimum)	\$ 10,090
1"	\$ 16,180
1 ¼"	\$ 24,270
1 ½"	\$ 30,340
2"	\$ 50,570
3"	\$ 107,080
4"	\$ 167,050

The District shall inspect the sewer service to determine that the construction thereof is in accordance with specifications established by the District for said services and the charge for making said inspection shall be \$100.00 for each single sewer connection.

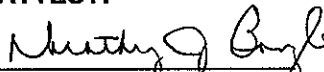
This Exhibit pertaining to Section 2.4 of the Northern Moraine Wastewater Reclamation District Connection Fee Ordinance shall be in full force and effect on the 1st day of May 2008 and publication as provided by law.

**PASSED** this 11<sup>th</sup> day of December 2007  
**APPROVED** this 11<sup>th</sup> day of December 2007

AYES: 5  
NAYS: 0  
ABSENT: 0

  
Kenneth A. Michaels, Jr., President

ATTEST:

  
Dorothy J. Bangle, Clerk





## EXHIBIT C

# NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT, LAKE AND McHENRY COUNTIES, ILLINOIS

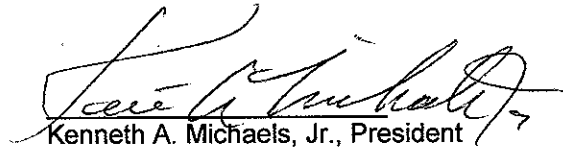
## Sewer Inspection Fee

The District shall inspect the sewer service to determine that the construction thereof is in accordance with specifications established by the District for said services and the charge for making said inspection shall be \$100.00 for each single sewer connection.

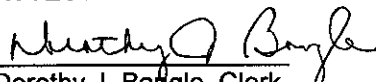
This Exhibit pertaining to Section 3.0 of the Northern Moraine Wastewater Reclamation District Connection Fee Ordinance shall be in full force and effect on the 1st day of May, 2008 and publication as provided by law.

**PASSED** this 11<sup>th</sup> day of December 2007  
**APPROVED** this 11<sup>th</sup> day of December 2007

AYES: 5  
NAYS: 0  
ABSENT: 0

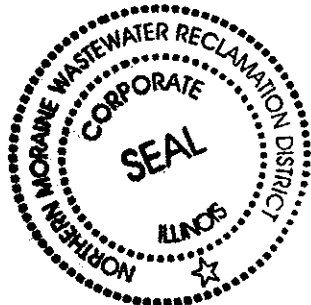
  
Kenneth A. Michaels, Jr., President

**ATTEST:**

  
Dorothy J. Baigle, Clerk

Prepared by:  
Northern Moraine Wastewater Reclamation District  
P.O. Box 240  
Island Lake IL 60042

Mail to:  
Northern Moraine Wastewater Reclamation District  
P.O. Box 240  
Island Lake IL 60042





**NORTHERN MORAINES WASTEWATER RECLAMATION DISTRICT  
Lake and McHenry Counties, Illinois**

**ORDINANCE NO.08-11**

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE NORTHERN MORAINES WASTEWATER RECLAMATION DISTRICT, Lake and McHenry Counties, Illinois as follows:**

**SECTION 1:** That Exhibits A, B and C of the District's Connection Fee Ordinance are hereby amended by replacing the existing text with the following:

See revised Exhibits A, B and C, attached hereto

**SECTION 2:** All ordinances and any parts thereof in conflict with the terms and provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3:** If any of the provisions of this Ordinance or the application thereof to any person or circumstance is declared invalid by a Court of competent jurisdiction said partial invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the invalid provision and to this extent the provisions of this Ordinance are declared to be severable.

**SECTION 4:** This Ordinance shall be published in pamphlet form by and under the authority of the corporate authorities of the Northern Moraine Wastewater Reclamation District, Lake and McHenry Counties, Illinois.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law. The Connection Fees amended by this Ordinance shall apply to applications made for connections to the District's sewerage system which are received at the District's office on or after May 1<sup>st</sup>, 2009.

Passed this 9<sup>th</sup> day of December, 2008.

	AYES	NAYS	ABSENT	ABSTAINING
Kenneth A. Michaels, Jr.	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Charles R. Amrich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Paul Eubanks	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
John Ragland	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Mathew Dabrowski	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

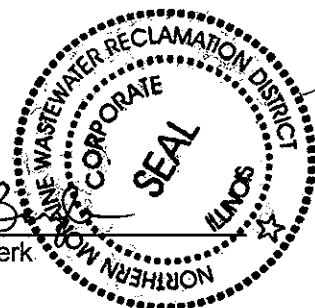
Approved this 9<sup>th</sup> day of December, 2008

Northern Moraine Wastewater Reclamation District

Kenneth A. Michaels, Jr., President

ATTEST:

Dorothy J. Bangle, Clerk







**EXHIBIT A  
December 9, 2008**

**NORTHERN MORAINES WASTEWATER RECLAMATION  
DISTRICT,  
LAKE AND McHENRY COUNTIES, ILLINOIS**

**Residential Connection Fees**

The charge for making connection to the sewer mains of the sewerage system within the District shall be as follows:

<u>Type of Dwelling</u>	<u>Rate</u>	
Single Family	\$7574	(3.5 P.E.)
Multi-Family (per unit)		
1 bedroom	\$3246	(1.5 P.E.)
2 bedroom	\$6492	(3.0 P.E.)
3 bedroom	\$6492	(3.0 P.E.)



**EXHIBIT B  
December 9, 2008**

**NORTHERN MORAINES WASTEWATER RECLAMATION  
DISTRICT,  
LAKE AND McHENRY COUNTIES, ILLINOIS**

**Non-Residential Connection Fees**

Except as provided in Subsection 2.1 of this Ordinance, connection fees shall be \$2164 per population equivalent but not less than the following minimum schedule based upon water meter sizes:

<u>Meter Size</u>	<u>Minimum Connection Fee</u>
3/4" (minimum)	\$ 10,795
1"	\$ 17,315
1 1/4"	\$ 25,970
1 1/2"	\$ 32,465
2"	\$ 54,110
3"	\$ 114,575
4"	\$ 178,745

The District shall inspect the sewer service to determine that the construction thereof is in accordance with specifications established by the District for said services and the charge for making said inspection shall be \$100.00 for each single sewer connection.



**EXHIBIT C**  
**December 9, 2008**

**NORTHERN MORAIN WASTEWATER RECLAMATION  
DISTRICT,  
LAKE AND McHENRY COUNTIES, ILLINOIS**

**Sewer Inspection Fee**

The District shall inspect the sewer service to determine that the construction thereof is in accordance with specifications established by the District for said services and the charge for making said inspection shall be \$100.00 for each single sewer connection.