

# **Ordinances**

Of the

Springfield Metro Sanitary District

Regulating Connection To and Use of Sewers

And

Establishing Connection Fees

**Effective January 1, 2007**

TRUSTEES

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AN ORDINANCE OF THE SPRINGFIELD METRO SANITARY DISTRICT  
REGULATING CONSTRUCTION, CONNECTION AND USE OF SEWERS AND  
PROVIDING FOR COLLECTION OF CONNECTION FEES AND USER  
CHARGES AND EXPENDITURE OF THE SAME FOR IMPROVEMENT TO AND  
OPERATION, MAINTENANCE, AND REPLACEMENT OF THE DISTRICT  
COLLECTION SYSTEM AND TREATMENT WORKS.

*BE IT ORDAINED by the Board of Trustees of The Springfield Metro Sanitary  
District of Sangamon County, Illinois:*

**ARTICLE 1**

**Section 1. Definitions.**

- (a) "District" shall mean The Springfield Metro Sanitary District of Sangamon County, Illinois, acting by its duly constituted Board of Trustees or other duly authorized representatives or representative.
- (b) "District Engineer" shall mean the District Engineer of said Springfield Metro Sanitary District.
- (c) "Person" shall also include any firm, corporation, association or other entity including governmental bodies.
- (d) "District Sewer" or "District Sewers" shall refer to any sewer constructed or under construction by the Springfield Metro Sanitary District or under the jurisdiction of said District, and any sewer under the jurisdiction of any other person or municipality that is in any manner connected to a sewer under the jurisdiction of the Sanitary District, and shall include all manholes, intercepting chambers or other appurtenances thereof.
- (e) "Storm Water" shall mean excess water running off from a drainage area during rainfall or following and resulting therefrom.
- (f) "Sewage" or "Wastewater" shall mean the liquid wastes flowing in or from residences, human habitations, institutions, business buildings and industries, and may consist of a combination of any one or more of the foregoing with such ground, surface or storm water as may be present.
- (g) "Building Sewer" is defined as the private sewer servicing a residential, commercial, or industrial building, or any other structure, and is that part of the horizontal piping of the drainage system which extends from the end of the building drain, as defined in the Illinois Plumbing Code, and extends from such structure to a District sewer including its

immediate connection to said sewer. The building sewer commences within five (5) feet outside the building foundation wall.

- (h) "Solid Wastes" shall include unground or improperly ground garbage, grass, weeds, or other vegetable growths, ashes, cinders, rags, wood or metal or anything made of wood or metal, glass in any form, crockery, manure, offal, swill, bones, feathers or other solid materials from slaughter houses or poultry packing operations, brick, stone, concrete, leather, and all materials not susceptible of being carried in solution in water, and not properly sewage, requiring sewage treatment, or capable of sewage treatment.
- (i) "Dwelling Unit" is (1) a single family residence, (2) each apartment or condominium in an apartment building or any other multiple unit or condominium dwelling, or (3) each trailer space in a trailer park or mobile home park, but it shall not include structures used as hotels or motels, except rooms or suites with kitchenettes.
- (j) "Non Dwelling Building" shall mean any structure which wholly does not contain a dwelling unit or dwelling units.
- (k) "Mixed Building" is a non-dwelling building or buildings which also are used for or contains a dwelling unit or dwelling units.
- (l) "Plumbed Fixture" shall mean any stool, lavatory, bath, shower, sink, floor drain, or drain from any appliance or facility which may drain water or wastes to the Sanitary Sewer.
- (m) "Facility" shall mean all present and future wastewater transport systems and treatment works of District, or component thereof.
- (n) "State" shall mean the State of Illinois, and each and every present and future department, agency, regulatory body or subdivision thereof.
- (o) "Federal" shall mean the United States of America, and each and every present and future department, agency, regulatory body or subdivision thereof.
- (p) "USEPA" is the United States Environmental Protection Agency.
- (q) "IEPA" is the Illinois Environmental Protection Agency.
- (r) "Property" shall mean any acreage, tracts, parcel or subdivided portion of real estate, whether improved or unimproved, and whether within or without the corporate limits of the District.

- (s) "Industrial" shall mean such purpose, use or occupancy of property as involves the making, manufacture, fabrication or assembly of goods in liquid, solid or mixed form and producing a liquid waste from such process or processes.
- (t) "Commercial" shall mean such purpose, use or occupancy of property as involves the provision of services or sale of goods in finished form, whether for profit or not-for-profit.
- (u) "Residential" shall mean use or occupancy of property for habitation and living therein of individual persons.
- (v) "User" shall mean any person who is connected to and discharges sewage to a District Sewer.
- (w) "Shall" is mandatory; "may" is permissive.
- (x) "Sanitary Sewage" or "Domestic Sewage" shall mean the wastes produced from human related sources with an average strength of 200 mg/l or less of BOD and 250 mg/l or less of Suspended Solids (SS).
- (y) "Industrial Sewage" shall mean liquid wastes from industrial processes as distinct from Domestic or Sanitary Sewage.
- (z) "Building Addition" shall mean the existing building and addition have a common wall.

## **Section 2. User Charge - Definitions**

In this ordinance, unless the context specifically denotes to the contrary:

- (a) "Act" shall mean the Federal Water Pollution Control Act, as amended, Public Law 95-217, 33 USC 1251 ET SEQ.
- (b) "Base User Charge" shall mean the uniform charge for domestic strength wastewater, as enumerated in Article IV, Section 1b.
- (c) "Billable BOD" shall mean the amount of a user's wastewater discharged to the District facilities in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater as approved by the District.
- (d) "Billable Flow" shall mean (1) a user's water usage from all sources, or (2) the amount of wastewater discharged to the District's facilities as determined by the District or by a method approved by the District.

- (e) “Billable Suspended Solids” shall mean the amount of the user’s wastewater discharged to the District’s facilities in pounds of Suspended Solids calculated using the Billable Flow and concentration of Suspended Solids in the wastewater as approved by the District.
- (f) “Commercial User” shall mean a tax-paying user who discharges no more than the equivalent of 25,000 gpd of domestic sewage to the treatment works. As used in this ordinance the terms “Commercial User” and “Industrial User” are mutually exclusive.
- (g) “Operation and Maintenance Cost” shall mean all costs, direct and indirect, not including debt service, necessary to insure adequate wastewater collection and treatment on a continuing basis, conforming to applicable State or Federal regulations, and providing optimal long-term facility management as determined by the District, but including allowance for replacement.
- (h) “Replacement” shall mean the expenditure of District funds for obtaining and installing equipment, accessories, or appurtenances thereto to maintain the capacity and performance of the District’s facilities.
- (i) “Unit Charge” shall be the standard quantity established as the basis for user charges:

### **User Charge Unit Charges**

Divide the annual operations (O), maintenance (M) and replacement (R) costs allocated by percentage to each of the three basic wastewater parameters of Flow, BOD, and SS, less a ratable share of the estimated tax revenue and taking into account that Inflow/Infiltration (I/I) flow costs are recovered through the service charge, by that parameter’s annual billable loading, i.e.

Remaining	$O + M + R \text{ to Flow} + \text{Billable Ccf of flow} = \text{Unit Charges for Flow } (\$/\text{Ccf})$
Remaining	$O + M + R \text{ to BOD} + \text{Billable lbs of BOD} = \text{Unit Charges for BOD } (\$/\text{lb.})$
Remaining	$O + M + R \text{ to SS} + \text{Billable lbs of SS} = \text{Unit Charges for SS } (\$/\text{lb.})$

- (j) "Useful Life" shall mean the anticipated term in years of physical and/or functional productivity as reasonably determined by the District for the wastewater treatment facility, equipment and appurtenances thereto.
- (k) "User Charge System" shall mean the system of charges levied on users to recover the costs of operation, maintenance and replacement on new and old wastewater collection/treatment facilities, pursuant to Section 204 (b) of PL 95-217; and 40 CFR 35.935-13 (September 27, 1978 Federal Register).
- (l) "Flow" shall mean the amount of wastewater entering the District's facilities.
- (m) "Surcharge" shall mean a charge in addition to the base user charge for the treatment of BOD and Suspended Solids loadings discharged to the District facility that are in excess of 200 mg/l of BOD and 250 mg/l of Suspended Solids.
- (n) "Industrial User" shall mean any user which discharges greater than the equivalent of 25,000 gpd of combined sanitary and process waste based on any one of the three parameters of Flow, BOD, or SS; or whose discharge contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge, or interferes with any sewage treatment process, or constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works. As used in this ordinance the terms "Domestic User" and "Industrial User" are mutually exclusive.
- (o) "Tax-Exempt Users" shall mean any user which pays no ad valorem taxes or receives substantial credits in paying such taxes, such as tax exempt institutions or governmental users, but excluding publicly owned facilities performing local governmental functions (e.g. city office building, police station, school) which discharge solely domestic wastes.
- (p) "Domestic User" shall mean a user who is either a Residential" or "Commercial" user.
- (q) "Residential User" shall mean a user who resides in dwelling units such as detached, semi-detached and row houses, mobile homes, apartments and permanent multi-family dwellings.

- (r) "Service Charge" shall mean a charge to all users that will recover the costs of billing and collection and the costs of treating infiltration/inflow.

## **ARTICLE II**

### **Section 1. Public Purpose.**

The public purpose of this ordinance is to regulate construction, connection, inspection and use of sewers and to establish connection fees and user charges to be expended for financing necessary construction of Sanitary District pump stations, sewers, treatment plant facilities and appurtenances thereto and maintenance, replacement and operation thereof.

### **Section 2. Unauthorized Interference with Sewers Prohibited.**

No person, who is not an authorized employee of the District, shall make any connection with, uncover, alter or disturb any District sewer or private building sewer, open any manhole, intercepting chamber or any appurtenance thereof, without first obtaining a written permit to do so from the District Engineer. Also, no person shall make any connection with or opening into any sewer tributary to a District sewer without first obtaining a written permit to do so from the District Engineer of said District. If work as called for in said permit is not completed within 30 days, said permit will terminate and any amounts paid therefore may be applied toward the payment of connection fees due on any new permit applied for.

Any person filling over a District sewer shall provide written notice of such action to the District Engineer prior to commencement of the filling. Such written notice shall not absolve such person from any liability for damage to or collapse of the sewer as a result of such filling. Any manholes in such fill shall be brought to the grade of the fill to the satisfaction of the District Engineer at the cost of the person doing the filling.

No person shall remodel or reconstruct any dwelling unit, non-dwelling building or mixed building which is connected to a District sewer without first obtaining a permit from the District Engineer, if as a result of the remodeling or reconstructing, there will or may be an increase in the discharge of sewage into a District sewer. The contracted licensed plumber shall be responsible for contacting and delivering plumbing plans to the District for any plumbing changes and will be responsible to pay fees due to the District for additional fixtures.

No person shall repair or replace an existing Building Sewer without first obtaining a permit from the District Engineer. The building owner will be responsible for confirmation of paying a sewer service charge on their water billing in order to receive a no charge permit.

### **Section 3. Permit – Application – Bond.**

Such permit as is called for in Section 2 shall not be issued until a sewer builder or drain layer has:

- (a) Filed with the District Engineer three (3) letters of reference and a bond in the sum of at least Ten Thousand Dollars (\$10,000.00), executed by the applicant and guaranteed by a bonding company or other surety having assets of five times the above amount, such bond to be conditioned for 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, streets, alleys, sidewalks and pavements disturbed, in as good state and condition as prior to the doing of said work and to indemnify and save harmless the District from all loss, damage, expense, claims, demands and suits on account of the doing of said work and any accidents and damages caused by reason thereof, or suits at law relating thereto. Said bond shall be either a continuous bond or renewed on April 30 of each year.
- (b) Filed with the District Engineer a written permit application for any Dwelling Unit larger than a duplex or any Commercial Building. Plumbing plans must be provided to the District, for determination of the permit cost. A site plan showing the building and outside sewer connection must also be provided to the District with the application. The permit application must be filled out in its entirety including signatures from the building owner or representative and the bonded sewer contractor.
- (c) The bonded sewer contractor shall be responsible to see that all fees have been paid and a permit issued before starting any work. The connection fee shall be as provided for by ordinance duly passed.



#### **Section 4. Connection Fees.**

No permit shall be issued from the District Engineer of the Springfield Metro Sanitary District for connection of any structure or for the reconstruction of any structure as described in Section 2 thereof unless or until connection fees have been paid as follows: and as provided in An Ordinance of the Springfield Metro Sanitary District providing for the Establishment of Connection Fees:

- (a) Dwelling Unit Connection Fee. There shall be a connection charge for each dwelling unit as provided for by ordinance duly passed.
- (b) Non Dwelling Building Connection Fee. There shall be a connection charge as provided for by ordinance duly passed.
- (c) Mixed Building Connection Fee. There shall be a connection charge as provided for by ordinance duly passed.

In each case credit shall be given to the applicant for the number of dwelling units and/or plumbed fixtures being served through an existing sewer connected to the Sanitary District facilities at the time the reconstruction or remodeling of the building then served and/or to be served is commenced. However, it is the obligation of the contracted licensed plumber to show proof for credit on existing plumbing fixtures.

- (d) Where undeveloped property has been within the original boundaries of the Sanitary District and has paid taxes to said Springfield Metro Sanitary District thereon, the amount of such taxes paid shall be credited against the connection fee as stated above and as provided for by ordinance duly passed. In such instance, it shall be the obligation of the person desiring such reduction in the connection fee to furnish satisfactory proof of the amount of taxes paid to the District.

Credit shall not be given in excess of the connection fee set forth in subparagraphs (a), (b), (c) and (d) of this Section and as provided for by ordinance duly passed.

#### **Section 5. Capital Improvement Fund.**

The Board of Trustees of the Springfield Metro Sanitary District does herewith create a capital improvement fund to be administered by the Treasurer of the District in the same manner as the Treasurer administers other monies of the District, the security of which said fund shall be under bond of the Treasurer of

the District, in an amount as established from time to time by the Board of Trustees of the District.

- (a) All connection fees collected hereunder shall be kept by the Treasurer in the capital improvement fund, except those required for the administration of this ordinance.
- (b) The capital improvement fund shall be used only for the construction of improvements to the Springfield Metro Sanitary District plants, and to the main or trunk sewers, interceptor sewers and pumping stations of the Springfield Metro Sanitary District as it is now or will in the future be constituted; provided, however, that in the event bonds are in the future issued by the Board of Trustees of The Springfield Metro Sanitary District for the installation of the capital improvements above described, whether the bonds be issued after referendum, by order of a Court of competent jurisdiction or by order of an administrative agency of the State of Illinois, these said bonds and interest accruing thereon, can, from time to time, be retired by the funds available in said capital improvement fund by resolution of the Board of Trustees of The Springfield Metro Sanitary District.

#### **Section 6. Work Performed Under Permit.**

The work of installing or connecting sewers performed pursuant to permit provided for in Section 3 hereof, shall be done by skilled and responsible sewer builders and drain layers, approved by the District Engineer.

#### **Section 7. Time of Connection.**

Connection of the building sewer to the District Sewer will not be allowed until the construction of the first floor decking or the slab poured for slab construction is completed. The footings and foundation also must be backfilled prior to connection to the District Sewer.

#### **Section 8. Forfeiture of Permit.**

Any sewer builder or drain layer who shall neglect, refuse or fail to make good any defect or fault 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 appurtenance 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 Engineer; and any and all then

existing permits in favor of such sewer builder, drain layer or principal may be revoked and his bond may be enforced as to past defaults and then cancelled.

### **Section 9. Notice of Proposed Work – Inspection.**

Notice must be given at the office of the District twenty-four (24) hours prior to the beginning of any work upon a sewer or connection and no materials shall be used or work covered until the permit is issued and the work is inspected and approved by the District Engineer.

### **Section 10. Specifications.**

All sewers hereafter constructed or connected directly or indirectly with any sewer under construction, under the jurisdiction of, or maintained by the District shall comply with the following specifications:

- (a) All sewers connecting directly or indirectly with any District Sewer shall be constructed in accordance with the Specifications contained in this ordinance. Any deviation will be allowed only by written permission of the District Engineer. Such sewers shall be used to carry only sanitary sewage or approved industrial wastes, and no rain water down-spouts shall be connected without written permit from the District Engineer. No existing or new drain tile, foundation tile or other tile which could or does collect surface or subsurface water shall be installed so as to permit or allow the flow therefrom to be drained, discharged or pumped into the sanitary sewer. There shall be no connection made of the building sewer to the sanitary sewer unless and until the District Engineer shall determine that such drains are constructed and installed in accordance with this ordinance.
- (b) A separate and independent sanitary sewer connection shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through the property or an adjoining alley, court, yard, or driveway, the sewer from the front building may be extended to the rear building and the whole considered as one sewer, (except for connection fees and sewer service charges accruing from such buildings or properties).
- (c) Old sewer mains may be used in connection with new buildings, only when they are found upon examination and testing, to meet all requirements of this ordinance and are adequate to serve the purposes of the new building and its use by the District Engineer. Old sewer taps and that portion of the sewer under paved streets or

alleys may be utilized even though they may not meet all requirements of this ordinance, if they are found, upon examination and testing, to be structurally satisfactory and adequate to protect against those dangers giving rise to the specifications set by this section and approved by the District Engineer.

- (d) Connections with any District Sewer shall be made where a tee or stub is provided or a designated junction by the District and then only in such a manner as directed by the District Engineer. In cases where the building sewer and the sewer main are both plastic, an approved rigid saddle shall be solvent welded to the sewer main and held in place with stainless steel bands. A template shall be used to outline the hole in the sewer main. Connections between PVC and ABS pipe shall be made with PVC solvent and glue for proper cementing of the connection. Where the building sewer is of a dissimilar material to the main sewer to which it is to be connected, an approved rigid saddle or Inserta Tee will be used which is of the same material as the building sewer being installed. The saddle shall be installed on the main sewer and held in place with mastic and stainless steel bands or prior approved watertight type connections. The spigot end of the building sewer shall not extend past the inner surface of the sewer main. In the instances where concrete, clay or brick comprise the main sewer or when a manhole is to be tapped, the hole will be made by the use of a coring machine which will produce a round neat hole. Where the use of a coring machine is not practical or upon prior approval, the hole may be made by drilling a series of adjoining holes in a circular pattern sufficient in number to break out the service hole. The use of hammers and chisels will not be allowed. The center line of the building sewer at the point of connection shall be at the same or a higher elevation than the center line of the District Sewer. A smooth neat joint shall be made, and the connection made secure and watertight, by encasement if necessary in concrete. Other fittings may be used for the connection only when approved by the District Engineer. Concrete encasement of a connection involving plastic pipe will not be accepted.
- (e) If a connection is to be made to interceptors or other large combined or sanitary sewers of the District such connections shall be in accordance with this ordinance and first approved by the District Engineer. All new connections tributary to the combined sewer system of the City of Springfield shall comply with the following provisions.
  - 1. New construction tributary to the combined sewer system shall be designed to minimize and/or delay inflow contributions to the combined sewer system.

2. New building domestic waste connections to the combined sewer system shall be distinct from building inflow connections to facilitate disconnection if a storm sewer becomes available within 200 feet of the building
  3. Inflow sources on the combined sewer system at the City of Springfield shall be removed from the combined sewer system and connected to a storm sewer within 90 days if a storm sewer becomes available within 200 feet of the inflow source.
- (f) All newly laid building sewers shall be a minimum of ten (10) feet horizontally from a water service pipe. New sanitary sewers (private or public) described above for connection with a District Sewer shall be one of the following:
1. Cast iron soil pipe must conform to ASTM Specification A74 (latest revision).
  2. ABS plastic pipe. All ABS plastic pipe must conform to ASTM D2751 (latest revision). The ABS plastic pipe as manufactured by CONTECH Construction Products, Inc. is accepted. Only extra strength (SDR 23.5) 4" and 6" solid wall ABS pipe shall be allowed. The joints for ABS plastic pipe shall be solvent welded joints. The solvent and cement material shall be as furnished by the manufacturer or pipe supplier for this purpose.
  3. PVC sewer pipe. The material used for the PVC sewer pipe and fittings shall be made from virgin Type 1, Grade 1, PVC compounds having a cell classification of 12454-B, 12454-C or 13364-B (with minimum tensile modulus of 500,000 PSI), as defined in ASTM D1784 (latest revision) for Rigid Polyvinyl Chloride Compounds. PVC pipe and fittings will be acceptable as nonpressure sanitary sewer provided they meet the requirements, as stated in ASTM D3034. However, only pipe and fittings having a wall thickness equal to or greater than that specified and listed below for SDR 35 shall be approved.

SDR-35 Nominal Pipe Size (Inches)	Outside Diam. (Inches)	Min. Wall Thickness (Inches)
4	4.215	0.125
6	6.275	0.180

4. PVC Corrugated sewer pipe with a smooth interior. This pipe shall conform to the requirements of ASTM F949. Pipe manufactured by CONTECH Construction Products, Inc. referred to as A-2000 is acceptable.

Any pipe material not conforming to the requirements of the above Specifications will not be permitted unless the District Engineer, after examination of the pipe materials determines that they are adequate to protect against those dangers for which the specifications of this subsection were established.

- (g) The size and slope of the building sewer shall be subject to the approval of the District Engineer, but in no event shall be less than four (4) inch cast iron soil pipe or approved plastic pipe. The slope of such pipe shall not be less than one-fourth (1/4) inch per foot. The District will allow the use of 4" building sewers for single family, duplexes and mobile home dwellings. All other buildings to be connected shall have a building sewer of 6" in diameter unless the use of the building is such as to require a sewer of an even larger diameter. Any pipe laid longitudinally in public streets, alleys, or easements which could connect more than one building sewer or could be extended to connect more than one building sewer shall not be less than eight (8) inches in diameter, shall be laid on a minimum grade of four (4) feet per thousand (1,000) feet and shall be constructed to a maximum depth to permit further extension thereto. Sewers installed longitudinally in a public street, alley, or easement shall be constructed in accordance with plans and specifications prepared by an Illinois Licensed Professional Engineer and approved by the Sanitary District.
- (h) No basement, half-basement or any other portion of a building having a floor elevation beneath the upstream and downstream manhole rim elevations of the District Sewer may be connected into the District Sewer by gravity. In areas where the manhole rim elevations on the District Sewer are to be altered, the proposed final rim elevations shall be used. The depth to the top of the building service sewer shall be between two (2) and three (3) feet below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the District Sewer, all sewage carried by such drain shall be lifted by approved mechanical means and discharged into the building sewer. No water operated sewage ejector shall be used.

- (i) Joints on all building sewers shall be made permanently gas-tight and waterproof by one of the following methods:
  - (1) Cast iron soil pipe shall be jointed with rubber gasket, mechanical joints or equivalent.
  - (2) Joints on plastic pipe shall be of an approved solvent weld or rubber gasketed approved by the District Engineer.
  - (3) An adapter approved by the District Engineer will be required for the connection between the building plumbing and the building sewer.
  - (4) Joints on plastic pipe when making a repair shall be solvent weld, rubber gasketed or a rigid plastic repair coupling. (Rubber Couplings will not be allowed.)
- (j) All excavations in public streets or alleys shall be properly braced and sheeted so as to prevent any caving, and when the work is finished, the excavation shall be backfilled by replacing and compacting the earth or other materials by thorough tamping, jetting or other method required by the District Engineer so that there will be no after settlement of the street or alley surface. Granular materials will be required for cradle and bedding for all building sewers. If the sub-base is stable and dry, granular material may be omitted only if the sub-base is hand shaped to provide for line and grade as specified in the Ordinance and approved by the Inspector. During backfilling, care shall be exercised to prevent stones, boulders or large clumps of dirt from being backfilled within two feet of the top of the pipe. All openings in sidewalks or public ways for the construction of sewers or connections shall be surrounded and sufficiently protected by ample and sufficient barriers, with lights after dark, together with such additional precautions as may be necessary for the reasonable protection of the public.
- (k) When a connection is made to a District Sewer within the corporate limits of a city or village, all the work provided for in this ordinance shall be done in accordance with the Rules, Regulations and Ordinances which may be in force in such city or village at the time the work is being done, as well as being done in accordance with all Rules, Regulations and Ordinances of The Springfield Metro Sanitary District. In case of a conflict, the stricter regulations shall apply.

- (l) Any building existing at the time of enactment of this ordinance, which building has a gravity basement drain which does not meet the provisions of this ordinance, and which does experience sewer back-up or basement flooding due to surcharge of the District Sewer, shall have installed suitable plugs, standpipes or other devices in each basement drain to protect against possible back-up.

### **ARTICLE III**

#### **Section 1. Solid Wastes and Industrial Wastes.**

- (a) Except as hereinafter provided, no person shall discharge or cause to be discharged to any District Sewer any of the following described waters or wastes:
  - (1) Any liquid or vapor having a temperature higher than 150° F.
  - (2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
  - (3) Any gasoline, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas.
  - (4) Any garbage that has not been properly shredded.
  - (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage treatment works.
  - (6) Any waters or wastes having a pH lower than 5.0 or higher than 12.0, or having other corrosive properties capable of causing damage or hazard to structure, equipment, and/or personnel of the District.



- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
  - (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
  - (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
  - (10) Any industrial waste which, places a load on the wastewater treatment works sufficient to cause such treatment works to not meet the prescribed effluent requirement of the National Pollutant Discharge Elimination System.
- (b) Grease, oil and sand interceptors shall be provided when, in the opinion of the District Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District Engineer, and shall be located as to be readily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense and shall be in continuously efficient operation at all times.
- (c) The admission into the District Sewers of any waters or wastes having (1) a five (5) day Biochemical Oxygen Demand greater than 200 milligrams per liter (mg/l), or (2) containing more than 250 milligrams per liter (mg/l) of suspended solids, or (3) containing any quantity of substances having the characteristics described heretofore in this Section, or (4) having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Sanitary District, shall be prohibited without the review and specific written approval of the District Engineer. Where necessary, in the opinion of the District Engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce objectionable characteristics or constituents to within the maximum limits provided for in the forepart of this Section, or (2) control the quantities and rates of discharge of such waters or wastes. Construction of such facilities shall not be commenced until plans therefore have been submitted to and the written approval of such plans has been obtained from the

District Engineer. Where preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- (d) **Demand Charges for Slug Discharges.** In addition to the user charges, an industrial waste producer discharging a “slug of waste” into a sewer, shall be liable for: expenses, losses, damages and other costs incurred by the District occasioned by its receipt of such slug of waste entering the sewer. Should such industrial waste producer continue to discharge such slug of waste upon a reoccurring basis, such shall be cause for revocation of their connection permit. “Slug of waste” shall, for the purpose of this section, mean a highly concentrated amount of waste or material exceeding the maximum, permitted content thereof set forth in ARTICLE III, Section I hereof.
- (e) In order to monitor and determine the content of wastewater discharged from selected users of the wastewater treatment plant for the purpose of determining the amount of the user charge and/or industrial cost recovery charge by the District, representative samples of such wastes shall be taken from users within the separate classes of domestic users, commercial users and industrial users. For the purpose of this section “representative samples” shall be defined as those taken on a twenty-four (24) hour composite basis or those taken as a composite of three (3) grab samples taken at intervals of not less than two (2) hours between samples. Where the owner fails to provide adequate sampling manholes and/or other required facilities for collecting composite samples as above, or where by virtue of unusual or extraordinary conditions or acts of God, the District is unable to collect twenty-four (24) hour composite samples or three (3) consecutive grab samples, then any single grab sample shall be used as a representative sample. Any user may, by prior agreement with the District, obtain a portion of each representative sample taken from its sampling facilities. All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Sewage” or a method approved by the IEPA.
- (f) Determination of five (5) day BOD will be made by analysis of representative samples of waste as the wastes leave the user’s premises through a single connection, after pretreatment facilities, if any.

- (g) Determination of suspended solids will be made by analysis of representative samples of waste as the waste leave the user's premises through a single connection, after pretreatment facilities, if any.

## **ARTICLE IV**

### **Section 1. User Charge System**

- (a) Pursuant to the Federal Water Pollution Control Act, as amended, federal rules, regulations and guidelines promulgated, pursuant to said Act, and pursuant to Section 1046 of the Illinois Environmental Protection Act, (111-1/2 IL. Rev. Stat. Section 1046), there is hereby imposed and levied upon all users of the District facilities such charges as are hereinafter fixed by ordinance to be utilized by the District as hereinafter provided to pay for operation, maintenance and replacement costs for the District facilities.
- (b) **District Base User Charge.** The District Base User Charge shall be the sum of the Base Flow Charge, the Base BOD Charge and the Base Suspended Solids Charge.
  - (1) The Base Flow Charge shall be the User Unit Charge for Flow, (that amount determined by the District to be the total yearly cost to the District for operation, maintenance and replacement of District facilities allocated to Flow, less a ratable share of the tax revenue and taking into account that I/I flow costs are recovered through a service charge, divided by the total yearly billable flow in 100 cubic feet received from all users of District facilities).
  - (2) The Base BOD Charge shall be the User Unit Charge for BOD, (that amount determined by the District to be the total yearly cost to District for operation, maintenance and replacement of District facilities allocated to collection and treatment of BOD, less a ratable share of the tax revenue, divided by the total yearly billable pounds of BOD received by District facility), times the equivalent number of pounds of BOD in 100 cubic feet of domestic wastewater.
  - (3) The Base Suspended Solids Charge shall be the User Unit Charge for Suspended Solids, (that amount determined by

District to be the total yearly cost to District for operation, maintenance and replacement of District facilities allocated to collection and treatment of Suspended Solids, less a ratable share of the tax revenue, divided by the total yearly billable pounds of Suspended Solids received by District facilities), times the equivalent number of pounds of Suspended Solids in 100 cubic feet of domestic wastewater.

- (c) **City of Springfield Base User Charge.** The City of Springfield Base User Charge shall be the sum of the District Base User Charge and a flow charge determined by the City of Springfield, for Sewer Department costs attributable to all users within the city limits of the City of Springfield.
- (d) **Suburban Springfield Base User Charge.** The Suburban Springfield Base User Charge shall be the sum of the District Base User Charge and a flow charge to recoup the costs of cleaning and maintaining the sewers and interceptors for those users who use metered water but are outside the City of Springfield and the Village of Chatham.
- (e) **Determination of Charge to Domestic User.** For the purpose of this ordinance, all users discharging no more than the equivalent of 25,000 gpd of domestic sewage, based on all three parameters of Flow, BOD, and TSS on an annual average basis shall be within the class designated “domestic users”.
- (f) **Determination of an Industrial Extra-Strength User Charge.** For the purpose of this ordinance, all Industrial or Tax-exempt Users discharging wastewater containing in excess of 200 mg/l of BOD or 250 mg/L of Suspended Solids on an annual average basis shall be within the class designated “industrial extra-strength users”. The user charge for industrial extra-strength users shall be the sum equal to the Base User Charge times the user’s Billable Flow plus the surcharge.
- (g) **Determination of a Surcharge.** The surcharge for all Industrial or Tax-exempt Users with wastewater discharged to the District facilities containing more than 200 mg/l of BOD or more than 250 mg/l of Suspended Solids shall be the product of the BOD Unit Charge times the number of pounds of BOD in excess of 200 mg/l plus the product of the Suspended Solids Unit Charge times the number of pounds of Suspended Solids in excess of 250 mg/l.
- (h) **Service Charge for Billing and Collection and Treatment of Infiltration/Inflow.** The service charge for all users of District facilities shall be the sum of the total estimated costs of billing and collection and the estimated costs of treating infiltration/inflow divided by the total

number of users and divided by twelve months. The costs of treating infiltration/inflow shall be estimated by subtracting the Billable Flow from the total flow influent to the treatment facilities, dividing that remainder by the total flow to arrive at the percentage of infiltration/inflow to total flow. This percentage is applied to the total estimated amount of costs for operation, maintenance and replacement allocated to flow and the resultant amount subtracted from the total costs allocated to flow. The total amount of costs associated with Billable Flow, BOD and TSS shall be re-allocated taking into account the distribution to 1/1, to arrive at the final amounts allocated to the three treatment parameters of Flow, BOD and TSS.

- (i) **District Unmetered User Charge.** All users not having a water meter or other acceptable device for determining Billable Flow shall be subject to a minimum base user charge in an amount determined by District equal to those charges imposed for users having similar flows and wastewater characteristics.
- (j) **Billable Flow Adjustments.** Adjustments for a user's Billable Flow shall be allowed only if the user satisfactorily demonstrates to the District that its water usage results in its wastewater discharge being less than metered water consumption, by placing on file with the District a current and valid NPDES Permit or by utilizing an approved metering device measuring its wastewater discharge to District facilities, or by such alternate means as approved by the District Engineer.
- (k) **Development of Unit Costs.** The District, not less than annually, shall prepare an estimate of cost components for operations, maintenance and replacement, as outlined hereafter, for the forthcoming fiscal year. These estimates, in total, shall be the basis for a user charge rate ordinance and shall be proposed to the Board of Trustees of the District for enactment no later than January 1<sup>st</sup> of each year. User charge rates so enacted by ordinance shall remain in effect until modified or rescinded by a subsequent duly-passed ordinance. As part of the annual review of the user charge system a three year equipment replacement budget will be prepared to anticipate major replacement items so that payments to the fund can be increased prior to expenditures to help maintain a reasonable fund level.
- (l) Operation, maintenance and replacement costs for the forthcoming year shall be allocated in accordance to their operation applicability to the treatment of the wastewater characteristics of Flow, BOD and TSS, and these allocations by percentage shall be reviewed no less than annually by the District and approved by the Board of Trustees.

- (m) Monies for replacement shall be sufficient to maintain a minimum balance of \$500,000 in the replacement fund. If the balance of the replacement fund is in excess of \$500,000, then a minimum of \$50,000 per year shall be placed in the fund. Interest on invested money from the fund would not be applied towards the annual minimum deposit to the fund. Emergency replacements, if needed, would be made from the fund and annual payments to the fund would be increased to restore the desired minimum balance of \$500,000 within a reasonable number of years.

## **Section 2. Method of Charging, Billing, Payment, Accounting and Enforcement of Liens for Nonpayment of User Charges.**

- (a) The basic wastewater treatment bill for all users shall consist of user charges for operation, maintenance, and replacement, as provided by ordinances duly passed, whereby the appropriate Base User Charge shall be applied to the user's Billable Flow. The wastewater treatment bills for industrial, domestic, and tax-exempt users shall consist of the basic wastewater treatment charge, applicable surcharges and applicable service charges, as provided by ordinances duly passed.
- (b) A charge shall be imposed on any user as determined by the District by ordinance duly passed to provide for the recovery by the District of its costs and expenses incurred for the sampling and analysis of the user's wastewater discharged to the District's facilities.
- (c) All billings shall be created in the name of and forwarded to the water user as shown in the current records of the appropriate water utility, or is successor, (unless the owner of such unit or units makes written requests to the District that there be a different addressee of such bills). Bills rendered by the District for user charges shall also show thereon the address of the property for which the charges are rendered, the basis or rate upon which the charges are made, the amount due, when and where payable, the period for which charge is made, and if a delinquency exists, the amount of penalty charged and the date of delinquency.
- (d) User charges for all users shall be computed and billed monthly according to the corresponding meter reading cycle, and shall be due and payable within ten (10) days from the date such bills are rendered. In the event a bill or statement remains unpaid after thirty (30) days from the date of its rendering, said charges shall then be delinquent, and there shall be added thereto a one time late payment penalty in

the amount of ten (10) percent of the amount of such bills delinquent and outstanding.

- (e) Whenever the period of usage of the sewer system is for less than the full billing period as maintained by the District, the charges for any portion of such period shall be prorated to the next month.
- (f) Whenever such user charges become delinquent as set forth in subparagraph (d) hereof, the same shall become and constitute a lien upon the real estate to which sewer service is supplied, pursuant to the terms and provisions of Section 7 of the "Sanitary District Act of 1917" (Illinois Revised Statutes, Chapter 42, Section 319.7). Statements rendered for such user charges shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting out (1) a description of the real estate sufficient for the identification thereof, upon or for which the sewerage service, was supplied, (2) the amount or amounts of money due for such sewerage service, and (3) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording as provided by law, the District may, in its discretion, file suit to collect such amounts as are delinquent and due against the occupant or user of the real estate in a civil action, and shall collect, as well, all attorney's fees incurred by it, the same to be fixed by order of the court. In addition to penalties and costs of lien, user and owner shall be liable for interest upon all unpaid balances at the rate of one (1) percent per month.
- (g) In all cases where user charges have become delinquent and the District elects to file a statement thereof in the Office of the Sangamon County Recorder of Deeds as hereinabove set forth, there shall be added in addition to the amount due District such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum fixed by the Board as sufficient to cover the cost of preparation of such notices and forms required. In each instance, District shall include such additional costs in the amount claimed due the District in the notice of lien.
- (h) The failure of any owner of property, user or other person to receive a bill or statement for user charges shall not be grounds for nonpayment or reason to extend or defer the date upon which payment is due or avoid the inclusion of penalties and interest. Owners of property which are subject to recording of notice of lien pursuant to the terms of this ARTICLE IV shall be charged with notice of the existence of the charge and are responsible for ascertaining from the District all amounts, if any, due as provided in this ordinance. The fact that the title owner of

record is not the user pursuant to the definition thereof in this ordinance shall not relieve the owner of the burden on title caused by the recording of such lien or the foreclosure thereof.

- (i) Within ten (10) days after the Board has determined the proper user charges based upon costs from the previous year, the Board shall cause a schedule of such rates to be published in a newspaper having general circulation within the corporate limits of the District. Any user shall have an opportunity for a hearing in respect to the schedule of rates adopted, or the billing to it resulting therefrom, upon written notice to the District, which shall set forth the specific grounds or basis for objection, and be filed with the Clerk of the District at least five (5) days prior to the regular meeting next following the meeting at which the schedule of rates was adopted. At such hearing, the Board of Trustees shall hear all evidence and statements in behalf of the objecting user, together with all statements and evidence submitted by the technical staff and such professional consultants to the Board as the Board may authorize and request, and thereafter render its decision either (1) confirming the schedule of rates as originally published and presented or (2) cause the schedule of rates to be amended; provided, however, that in the event the schedule of rates is amended such rates shall be published in a newspaper having general circulation within the corporate limits of the District. Objections by users within the same user class may be consolidated for hearings. User charges not objected to shall be and become in full force and effect ten (10) days after the schedule of such rates are published. User charges that are objected to and for which a hearing is conducted shall be and become in full force and effect ten (10) days after the date of said hearing if the schedule of rates is not amended, and if amended, shall be and become effective ten (10) days after the amended schedule of rates are so published.
- (j) All user charge money shall be placed in a general fund. Such fund shall be used only to cover the cost of operation, maintenance, and replacement of the sewage treatment plants, monitoring and other costs as provided by ordinance duly passed. Expenditures shall be made by the District management in accordance with the detailed annual budget and appropriation ordinances authorized by the Board of Trustees. Expenditures from the accrued replacement reserve on facilities shall be for countering the effects of wear on physical elements and/or movable property, which would result in an extended useful life or meet the anticipated useful life. Such capital expenditures shall cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventative maintenance programs, or such expenditures. The expenditures to overcome physical and/or functional obsolescence



shall be capitalized against the element of the facility and charged to the fixed assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirement. An audit shall be performed annually. Such audit shall be performed by a certified public accountant selected by the Board of Trustees. At year end any unexpended replacement revenue will be transferred to the replacement fund.

- (k) **Replacement Fund.** The Board of Trustees of the Springfield Metro Sanitary District does herewith create a replacement fund to be administered by the Treasurer of the District in the same manner as the Treasurer administers other monies of the District, the security of which said fund shall be under bond of the Treasurer of the District, in an amount as established from time to time by the Board of Trustees of the District. This fund shall have an initial balance of \$500,000 transferred from the Sewer Service Fund.

### **Section 3. Year End Review of Industrial and Tax Exempt Users to Insure Proportional Sharing of Operation, Maintenance and Replacement Costs.**

- (a) At the end of each calendar year, it will be determined if each industrial and tax exempt user has paid their share of operation, maintenance and replacement costs taking into account not only their user charge payments, but also any ad valorem tax payments they may have made.
- (b) **Pro Forma Debt Service Levy.** The current amount of annual debt service requirements shall be divided by the District's total assessed valuation to yield the pro forma debt service levy.
- (c) **Determination of the Portion of Ad Valorem Taxes Applicable to Operation, Maintenance and Replacement.**
  - (1) The portion of ad valorem taxes applicable to debt service is determined by multiplying the user's assessed valuation times the pro forma debt service levy.
  - (2) The debt service portion is subtracted from the total ad valorem taxes to yield the portion applicable to operation, maintenance and replacement. If the debt service portion is greater than the total

taxes paid, then the operation, maintenance and replacement portion is assumed to be zero; it can never be negative.

- (3) A tax exempt user who is not taxed at all is assumed to have an operation, maintenance and replacement portion of zero.

**(d) Calculation of User Charge Balance**

- (1) Using the loadings billed during the year for the user charge, the user's proportionate share of operation, maintenance and replacement is calculated by multiplying the loadings by the base user charge calculated excluding tax revenue and, if the user should be surcharged, by adding an appropriate surcharge for loadings greater than domestic.
- (2) The operation, maintenance and replacement portion of the ad valorem taxes is subtracted from the user's proportionate share to yield the user charge balance.

**(e) Application of User Charge Balance to User's Account.**

- (1) A positive user charge balance indicates that the user has not paid his proportionate share of operation, maintenance and replacement and a special billing for this amount will be issued.
- (2) A negative user charge balance indicates that the user has paid more than his proportionate share of operation, maintenance and replacement and a credit will be given to his account.
- (3) A zero operation, maintenance and replacement balance indicates that the user has paid his proportionate share of operation, maintenance and replacement and no action will be taken.

## **ARTICLE V**

### **Section 1. Liability for Damage.**

Any person violating any of the provisions of this ordinance shall become liable to the District for any expense or damage occasioned to the District by reason of such violation. In addition, should the Board of Trustees of the District deem any

temporary or permanent structures, tanks, basins, screens, devices or other equipment necessary to the proper enforcement of the provisions of this ordinance, or necessary in the carrying out of the purposes of this ordinance, by reason of any act, acts, or condition causing a violation of any of the provisions of this ordinance, then such structures, tanks, basins, screens, devices, or other equipment as the Trustees deem necessary may be erected, purchased, procured and installed by the District, but at the expense of the offender; provided, however, that the offender shall be allowed not less than thirty (30) days and such further time as said Board of Trustees may deem reasonable within which to erect, purchase, procure and install such structures, tanks, basins, screens, devices or other equipment. All such equipment including the construction and installation to be subject to the supervision and approval of the Board of Trustees.

**Section 2.** No person shall willfully, maliciously or negligently, break, deface, or injure any real or personal property of the District or property under its control, or carry away, conceal, or tamper with any regulating device, appliance or other property of the District.

**Section 3. Violations.**

- (a) It shall be unlawful for any person to:
  - (1) Use or cause to have a District Sewer used in a manner which is prohibited by ARTICLE II, Section 2 of this ordinance;
  - (2) Connect or cause to have connected building sewer to a District Sewer at a time other than a time allowed by ARTICLE II, Section 7 of this ordinance;
  - (3) Perform or cause to have work performed on a sewer or sewer connection without both giving the District notice in the manner required by ARTICLE II, Section 9 of this ordinance and obtaining approval from the District Engineer;
  - (4) Connect or cause to have a sewer connected to a District Sewer which neither conforms to the requirements and specifications of ARTICLE II, Section 10 of this ordinance nor has been approved by the District Engineer; or
  - (5) Discharge or cause to have discharged in a District Sewer waters or wastes prohibited from being discharged in a District Sewer by ARTICLE III of this ordinance.
- (b) The District, upon discovery of any violation set out in subparagraph (a) of this Section, shall serve notice of the violation upon the owner

of the real property where the violation occurred either by mailing a copy of the notice to the owner of the real property by certified mail or by posting the notice in a visible and conspicuous place upon the real property where the violation occurred.

The Notice shall state:

- (1) The nature of the violation;
  - (2) The provision or provisions of this ordinance violated;
  - (3) The date the notice was either posted or deposited in the United States mails;
  - (4) The requirement that the violation be corrected within the time period prescribed in subparagraph (d) of this Section; and
  - (5) The right of the violator to a hearing before the Board of Trustees of the District in accordance with subparagraph (c) of this Section.
- (c) Any person served with a notice of violation may request a hearing before the Board of Trustees of the District to challenge the violation by serving a written demand for a hearing upon the Clerk of the District within ten (10) days of the date the notice of violation was either posted or deposited in the United States mails. No later than forty-five (45) days following receipt of the demand for a hearing, the District shall hold a hearing on the violation. Written notice of the time and place of the hearing shall be served by United States mails on the person requesting the hearing. At the hearing, the person requesting the hearing may present any and all evidence relevant to challenge the violation. The District Engineer shall present any and all evidence in his possession which was the basis for serving the notice of violation.
- At the conclusion of the hearing, the Board of Trustees shall either:
- (1) rescind the notice of violation;
  - (2) affirm the violation
- (d) Any person served with a notice of violation of ARTICLES II or III of this ordinance which is not rescinded shall have thirty (30) days from the date the notice of violation was served, or in the event a hearing is held, or affirmed by the Board of Trustees to Come into compliance

with the terms of this ordinance. Any person served with a notice of violation of ARTICLE II, Section 9 of this ordinance which is not rescinded shall have seven (7) days from the date the notice was either served or affirmed by the Board of Trustees, whichever is later, to obtain written approval from the District Engineer for the performance of any work on a sewer or the connection of a sewer. In the event the District Engineer does not approve the performance of the work or connection, the person served with the notice of violation shall, within thirty (30) days of the date the notice was either mailed or served, return the work or connection to its previous condition, or make the disconnection or have the project in compliance as outlined by the District Engineer.

However, in no event shall the provisions of this subparagraph preclude the District from petitioning the Circuit Court for obtaining legal or equitable relief against violators of this ordinance requiring the violators to comply with the provisions of this ordinance within a time period shorter than that prescribed by this subparagraph when there is a compelling public interest to seek such relief.

- (e) Any person who violates any provision set out in subparagraph (a) of this Section which violation is not corrected within the period prescribed by subparagraph (d) of this Section, shall be liable to a penalty of not to exceed One Hundred Dollars (\$100.00) per violation for each day beyond the time period for correction prescribed in subparagraph (d) of this Section in which the violation continues.
- (f) The District may institute and prosecute in its name any suits on other actions necessary or appropriate for the collection of any penalties imposed by this Section of the ordinance. The District may also petition the Circuit Court for legal or equitable relief to prevent the continuance of violations of the provisions of subparagraph (a) of this Section.
- (g) In addition to such other remedies available to the District for violations of this ordinance, the District Engineer, upon making a determination that a building sewer is connected to a District Sewer in a manner prohibited by the terms of this ordinance, may take or cause to be taken any steps necessary to either plug or disconnect such a connection without giving notice to either the owner or occupant of the real property affected by the plugging or disconnection if:
  - (1) A notice of violation was served upon the owner of the real estate in the manner prescribed in subparagraph (b) of this Section and a hearing is not requested by the owner to

challenge the notice of violation within the prescribed period of time; or

- (2) A compelling public interest exists for making the plug or disconnection.

#### **Section 4. Inspections.**

For the purpose of insuring compliance with the provisions of this ordinance, the District Engineer or any person acting under the direction of the District Engineer shall be authorized to enter upon any parcel of real property subject to the jurisdiction of the District and its improvements, but only for the purpose of conducting an inspection to determine whether compliance is being maintained with the provisions of this ordinance. Prior to the commencement of any inspection authorized under this Section, the District Engineer shall serve or cause to be served upon the owner and occupant of any parcel of real property subject to the inspection a written notice of inspection which states the date and time the inspection is to occur. For purposes of this Section, service of the written notice of inspection shall be made by mailing a copy of the notice of inspection by certified mail to the owner and occupant or occupants of the real property subject to the inspection. In the event service cannot be perfected upon either the owner or the occupant or occupants of the real property by certified mail, service may be perfected by posting a copy of the notice of inspection in a visible and conspicuous location upon the real property subject to the inspection at least four (4) days prior to the date the inspection is to occur.

Should either the owner or any occupant of the real property subject to the inspection deny access to the parcel of real property to the District Engineer or any person acting under the direction of the District Engineer, to commit or cause to have committed any acts which either prevent or frustrate an inspection authorized by this Section, the District shall be authorized to petition the Circuit Court of Sangamon County, Illinois, for leave to conduct an inspection to insure compliance with the terms of this ordinance.

In conducting an inspection authorized by this Section, the District Engineer or any persons acting under his direction shall enter only upon that portion of a parcel of real property and its improvements for which access is necessary in order to conduct an inspection to determine compliance with this ordinance.

## **ARTICLE VI**

### **Section 1. Validity.**

The invalidity of any Section, sentence, clause or provision of this ordinance shall not affect the validity of any other portion of this ordinance which can be given effect without such invalid part or parts.

### **Section 2. Ordinance in Force**

That this Ordinance shall be in full force and effect following its passage and approval as required by law on and after January 1, 2007.

### **Variance of Exit Depth**

**Date Added: December 8, 2008**

The following language shall added to Section 10(h) of the District's Connection Ordinance:

"In cases where the size of the building and the design of the plumbing system requires an exit depth greater than 3' to the top of pipe, the District Engineer or Director/Engineer may approve such connection following submittal of detailed plans and calculations from an Illinois Licensed Architect or Professional Engineer showing justification for the connection depth".

As a reminder, any variances required for connections from lower levels on existing systems, etc. would still require a variance request for Board consideration.

If you should have any questions, please contact the SMSD Sewer Inspector of our office at (217) 528-0491.