

Ordinance establishing rules, regulations, restrictions, or requirements governing or relating to the installation, operation, maintenance, management, connection to, and use of the water supply and distribution system owned or operated by the Mill Creek Water Reclamation District.

* * * *

WHEREAS, the Board of Trustees (the "Board of Trustees") of the Mill Creek Water Reclamation District, Kane County, Illinois (the "District") deems it necessary to enact an Ordinance to govern and establish additional rules, regulations, restrictions, and requirements with respect to the installation, use, operation, maintenance, management, and connection to the complete water supply and distribution system owned or operated by the District (collectively, the "Water Supply System");

WHEREAS, the District further desires to establish certain standards, requirements, conditions, and fees or charges for the use, operation, and maintenance of the Water Supply System and for plan review, inspection, and permits for connection to the Water Supply System; and

WHEREAS, the District further desires to establish penalties for the violation of any provision contained in this Ordinance.

NOW, THEREFORE, be it and it is hereby ordained by the Board of Trustees of the Mill Creek Water Reclamation District, Kane County, Illinois, as follows:

ARTICLE I: WATER USE REGULATIONS

SECTION 1. PREAMBLE AND PURPOSE

The provisions of the above preamble and the purposes set forth above are hereby adopted as though fully set forth herein. As expressed above, the purpose of this Ordinance is generally to establish rules and regulations controlling and governing, and charges and penalties with respect to, the installation, use, operation, maintenance, management, connection to, and use of the Water Supply System.

SECTION 2. DEFINITIONS

The words and phrases as used in this Ordinance will have meanings as defined in the *Construction Design Standards* unless the context clearly indicates a different meaning.

SECTION 3. APPLICABILITY

This Ordinance shall apply to any person, owner, or Lot within the Development and compliance with the rules, regulations, restrictions, and requirements set forth herein shall be required at all times of all persons and property within the Development.

SECTION 4. USER FEES

The District has established a schedule of fees ("user fees") for the connection to and use and service of the Water Supply System. Such user fees shall be based upon the cost of operating, maintaining, repairing, and replacing the Water Supply System, including contingencies and capital reserves. The user fees, which shall include tap-on or connection fees, are established and set forth in another ordinance previously adopted by the District (the "User Fee Rate Ordinance"). Any owner of a Lot may review the User Fee Rate Ordinance for details on the charges and fees established by the District. All users of the Water Supply System shall be billed monthly or quarterly based

upon the amount of water used during the period as indicated by the water meter readings or water use estimates made by the Director and as more particularly set out in the User Fee Rate Ordinance. Adjustments in billing rates to nonresidential users may be made in accordance with the permit requirements agreed upon by the District and the owner or representative of the nonresidential property. The user fees shall be levied on all properties located in the Development.

SECTION 5. COMPLIANCE WITH STANDARDS

All plumbing fixtures and methods of installation shall comply with the requirements of the *Illinois Plumbing Code*, current edition published by the Illinois Department of Public Health, Springfield, Illinois and the *Standard Specifications for Water and Sewer Main Construction in Illinois*, current edition, published by the Illinois Society of Professional Engineers, et al., Springfield, Illinois.

SECTION 6. SERVICE CONNECTION APPLICATIONS

A service connection application must be submitted to and approved by the District, and a tap-on or connection fee must be paid to the District before any service connection or any other connection to the Water Supply System is commenced. The application must be filed one (1) week before such a connection is made. The name, address, and telephone number of the Lot owner to be billed for any use fees shall be included on the application. A tap-on or connection fee shall be charged for making a service connection for all properties served by the District.

SECTION 7. PERMIT REQUIRED

(a) No construction work, including excavation, shall be commenced within or without the Development on any improvements, structures, building, projects, water wells, water mains, water main extensions, or any pipes, mains, or other conduits which connect directly or indirectly into the Water Supply System unless and until a permit application for construction has been approved, a construction permit has been issued upon the payment of the applicable plan review fees, and all other fees and documentation required by the District have been submitted to the District. The construction, maintenance, and repair of all water wells, water mains, lines, pipes, and conduits shall be subject to the approval of the District Engineer and/or Director, and no such water wells, water mains, lines, pipes, or conduits can be constructed or placed in service that do not meet the construction and design standards of this Ordinance.

(b) No person shall withdraw water from the District's Water Supply System without obtaining a permit therefor paying any user fees in connection therewith. Permits may be issued by the Director after determining that all of the requirements of this Ordinance have been or where applicable will be met or otherwise satisfied prior to the proposed connection.

SECTION 8. PERMIT REQUIREMENTS

Permits shall be issued after application to the Director, when the applicant meets the following conditions:

(a) New construction. Permits for new construction will be issued only after the following conditions have been met:

(1) A formal written application is fully and accurately completed and filed with and approved by the District on a form provided by the Director and in accordance with subsection (b) below.

(2) Where necessary to comply with the terms of this Ordinance or the requirements of the Director, the Director shall inspect and approve the installation of any water service taps and appurtenant equipment.

effective until the Director is satisfied that all conditions described herein have been met, at the applicant's cost, and has issued a signed renewal permit form.

- (e) Any legal fees incurred by the District for preparation or review of documents required in conjunction with any plan review, inspection or connection, maintenance or repair obligations, or annexation or other agreement between the District and the applicant shall be paid by the applicant prior to connection.

SECTION 9. CONSTRUCTION CONTRACTORS

During the construction of any building but before any water service is installed as is herein provided, the contractor constructing such building may be permitted to use the District's water supply by making application therefor, and paying the flat fee prescribed by the Director.

SECTION 10. REPAIRS

(a) All repairs for water service pipe(s) and plumbing systems of buildings shall be made by, and at the expense of, the owners of the premises served from but not including the shut off box or boxes into the premises. The District may, in case of an emergency, repair any service pipes and is hereby granted access to the premises for the purpose of completing such repairs. The cost of such repair work shall be the owner's responsibility and shall be paid or repaid (as the case may be) to the District by the owner of the premises served promptly upon receipt of an invoice or statement therefor.

(b) Any leaks or defects in the water service pipe(s) shall be promptly repaired by the owner of the premises served thereby in compliance with the terms of this Ordinance. If leaks or defects develop on any existing pipes, mains, or conduits that do not comply with the requirements of this Ordinance, such items shall be replaced with pipes, mains, or conduits that do meet the requirements hereof. In the event that the owner of any property fails to maintain such pipes, mains, or conduits, or to repair any leaks or defects promptly upon notice from the District to do so, then in addition to any other remedies available to the District, service to such premises (including water supply service) may be shut off by the District and not turned on again until such leak or defect has been repaired and any expense incurred by the District in connection therewith has been paid by the owner, occupant, or user.

(c) The District shall not be liable for any damage caused by a leak or break in any service pipe or for any other damage caused by a failure to repair the same promptly. Similarly, the District shall not be liable for any damage caused by or in connection with the repair or installation of such pipes.

SECTION 11. NONPAYMENT

(a) In conjunction with the adoption of this Ordinance, the District is adopting ordinances relating to the District's stormwater drainage and detention system ("Stormwater Drainage System"), wastewater reclamation and reuse and sewerage collection system ("Wastewater System"), and the User Fee Rate Ordinance relating thereto. The District shall operate the Stormwater Drainage System and Wastewater System in addition to, and in conjunction with, the Water Supply System.

(b) Since the operation of each system is related to the operation of the other systems and since the User Fee Rate Ordinance establishes combined user fees to cover the District's operation of all such systems, failure to pay any charge, assessment, or fee due under the User Fee Rate Ordinance shall be a violation of this Ordinance. In the event that any combination water, sanitary sewer, and stormwater management bill remains unpaid for a period of ninety (90) days after the bill is rendered and mailed, in addition to any other rights or remedies available to the District hereunder or under applicable law, the District shall have the right to shut off the water supply to any such premises. The water supply also may be shut off to any premises for which a reimbursement for inspections, sampling, testing, or correcting deficiencies made by the District (or any other charges due under this Ordinance

or the User Fee Rate Ordinance) remains unpaid for a period of ninety (90) days after a bill for said reimbursement is rendered and mailed to the last known owner. When shut off, water shall not be turned on except upon the payment of the unpaid bill plus penalty charges, if any.

SECTION 12. ABANDONED FACILITIES

Whenever any connection to the Water Supply System is abandoned because the building to which the water connection is made has been abandoned, destroyed, or removed, the Director may remove the meter and any pipe or connections in the right-of-way or easement, and cap, plug, or otherwise seal the pipe. Before taking any such steps the Director shall notify the owner of the property. Such notice shall be made by mail to the last known address of the owner, at least thirty (30) days before any action is taken under this section. If water is leaking, the Director shall take immediate action, and send the notices within three (3) working days to the last known address of the owner, of the time action was taken.

ARTICLE II: WATER CONSERVATION REQUIREMENTS

The User Fee Rate Ordinance establishes certain duties, obligations, restrictions, covenants, regulations, and requirements relating to the use of the Water Supply System. The requirements, restrictions, prohibitions, and covenants set forth herein shall be in addition to those set forth in the User Fee Rate Ordinance.

SECTION 1. WATER CONSERVATION IN TOILETS

No flush toilet shall be installed or replaced in the Development without complying with the terms of this section. Each flush toilet shall use not more than one and five-tenths gallons or approximately 5.7 liters of water for each flush.

SECTION 2. SHOWER CONSERVATION

No shower or shower head shall be installed or replaced in the Development without complying with the terms of this section. Each shower shall be equipped with a regulator or restrictor in the head or elsewhere in the plumbing restricting the flow of water through the shower to not more than 2.5 gallons per minute.

SECTION 3. LAVATORY SINK FAUCETS

No lavatory sink faucet shall be installed or replaced in the Development without complying with the terms of this section. Each faucet shall be equipped with a regulator or restrictor which shall restrict the flow of water through the faucet to not more than 2.0 gallons per minute.

SECTION 4. RECYCLING REQUIRED

No person shall use any water from the Water Supply System without providing for recycling for the following uses of water:

(a) Commercial car washing. Any commercial car washing facility, including automatic systems and do-it-yourself systems as well as manned systems, and including independent car washes and car washes connected with another business such as an automobile service station, using the Water Supply System for washing vehicles, shall be equipped with recycling devices that will recycle a substantial amount of water used and reuse that water. Fresh water from the Water Supply System may be added to the recycled water.

(b) Cooling purposes. Water used for cooling purposes including purposes connected with air conditioning and with cooling in industrial processes shall be recycled. The water may be cooled for recycling in an evaporation tower, and fresh water can be added to the recycled water to make up for evaporation losses.

(c) Reusing water for subsequent processes. In any commercial use in which water can be used for one process and then reused for another process or a different use in the same premises, the commercial operation shall be equipped to recycle the water and reuse the water to the fullest extent practicable.

SECTION 5. ALTERATION PROHIBITED

No person in the Development shall, before or after installation, alter any flush toilet, shower, lavatory sink faucet, or recycling system so as to increase the flow of water beyond that specified in this Ordinance without prior approval of the Director.

SECTION 6. PUBLIC INFORMATION AUTHORIZED

The Director may provide public information urging water conservation and offering specific methods of saving water in accordance with this Ordinance. The methods that may be employed for this purpose include, but are not limited to, the following:

(a) Written materials on water conservation may be prepared at the expense of the District and distributed free of charge in schools, libraries, the County, and other buildings used by the public. Mailings shall be included in water bills. Pamphlets and leaflets may be used. Types of landscaping requiring smaller amounts of water shall be recommended.

(b) Oral presentations on water conservation may be offered to the schools, civic groups, clubs, groups of employees of particular industries, and church groups. These oral presentations shall be given by individuals selected by the Director. These individuals shall be given a short course in water conservation and in presenting the concept of water conservation to the public.

(c) The Director may cause to be prepared a workbook covering water conservation in homes, businesses, industry, schools, and institutions. At least one (1) workbook shall be made available to every user and every student in the Development requesting the workbook.

SECTION 7. REMEDIES AVAILABLE TO THE DISTRICT

(a) Any person found to be violating any provision of this Ordinance shall be liable to the District by reason of such violation. At its option, the District may serve the offending person or owner with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and/or correct all violations. In addition to any other rights and remedies available to the District under this Ordinance or under applicable law, and to any penalties set forth herein, the District may revoke any permit or may otherwise prevent such owner from using the Water Supply System as a result of any violation of any provision of this Ordinance, which is not corrected within the time period set forth in the District's notice as provided above.

(b) Any person who shall continue any violation beyond the time limits provided for herein shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this Ordinance shall become liable to the District by reasons of such violation.

(d) Any person who shall continue work in violation of a Stop Order issued by the District shall upon conviction be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for

each such offense, and a separate offense shall be deemed committed on each day during or on which a violation of a Stop Order occurs or continues.

(e) Any person who shall occupy any building within the Development prior to the issuance of a permit by the District shall upon conviction be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each such offense, and a separate offense shall be deemed committed on each day during or on which the premises are occupied in violation of this Ordinance.

(f) Any person who shall have violated any of the provisions of this Ordinance, shall be liable for, in addition to any other fines, charges, or obligations set forth herein, any and all legal fees incurred by the District in connection with the prosecution of such claim or the collection of any amounts due as a result thereof.

(g) The District may prosecute any person who is apprehended in the violation of any of the provisions of this Ordinance or other ordinance of the District. The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release, or waiver by the District to the prosecution by the District for any civil damages that it may sustain because of any violation by any person of the provisions hereof where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, mains, and buildings under the jurisdiction of the District.

SECTION 8. CONFLICT

All ordinances or parts of ordinances or other rules and regulations of the District, which are in conflict herewith, are hereby repealed.

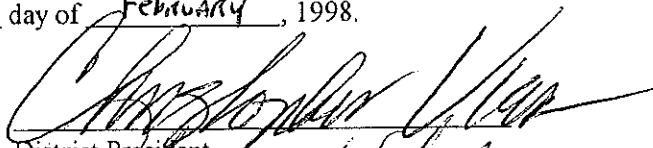
SECTION 9. SEVERABILITY

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. In the event that any part of this Ordinance shall be deemed to be illegal, invalid, or unenforceable, such portion of this Ordinance shall be deemed severed from this Ordinance and shall not affect the remaining portions of the Ordinance which shall be given their full force and effect.


SECTION 10. ORDINANCE IN FORCE

This Ordinance shall be effective and in full force from and after its passage, approval, and publication as provided by law.

Passed and adopted by the Board of Trustees of the Mill Creek Water Reclamation District of the County of Kane, State of Illinois on the 4th day of February, 1998.



District President



Trustee



Trustee