

**ORDINANCE NUMBER 95-06**

Ordinance establishing rules, regulations, requirements, fees and charges in connection with the connection to and use of the waterworks and sewerage systems 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 and expedient to enact an ordinance to establish rules, regulations, requirements, fees and charges relating to the connection to and use of the sanitary sewage system and waterworks systems (as hereinafter defined) owned or operated by the District (collectively, the "Systems").

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:

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, regulations, requirements, fees and charges relating to the connection to and use of the Systems.

## **MILL CREEK WATER RECLAMATION DISTRICT**

### **WATER AND SEWERS**

#### **SECTIONS 1-1 to 1-10**

#### **ARTICLE 1 - IN GENERAL**

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##### **SECTION 1-1      DEFINITIONS**

Unless specifically indicated otherwise, the meanings of terms used in this chapter shall be as follows:

Building Sewer:      A sanitary sewer which receives the sewage from a building and discharges into a sanitary sewer.

Customer:            Any person, partnership, corporation, trust or other party which uses and/or receives service from the waterworks and/or sanitary sewerage system of the District.

District: Mill Creek Water Reclamation District.

Dwelling Unit: The same as defined in the zoning ordinance of the Kane County.

Lot: Any parcel of land as set forth in the zoning ordinance of Kane County.

Major Water Main: A water main of not less than eight (8) inches in diameter and looped at intervals of approximately every one-half mile, conveying water from wells and/or storage reservoirs to the various sections of the water distribution system.

Owner: Any person, partnership, corporation, trust or other party having legal title to the lot, tract or parcel of land for which use of and/or service from the waterworks and/or sanitary sewage system of the District is provided and/or proposed.

Sanitary Interceptor Sewer: A sanitary sewer not less than twelve (12) inches in diameter which receives sewage from a number of sanitary lateral sewers and conducts such sewage to a point for reclamation and reuse.

Sanitary Lateral Sewer: A sanitary sewer not less than eight (8) inches in diameter which discharges into other sewers and provides service directly to the various lots, tracts and parcels of land along its route.

Sanitary Sewer: A conduit to convey sewage.

Sanitary Sewage System: Any and all of the following: A wastewater reclamation and reuse facility; collecting, intercepting, and outlet sewers; lateral sewers; force mains; conduits; pumping stations; ejector stations; and all other appurtenances, extensions and improvements necessary, useful or convenient for collection, reclamation and reuse of the wastewater (sewage).

Secondary Water Main: A grid iron of water mains not less than six (6) inches in diameter connected to the major water mains to deliver the fire flow and domestic supply to the various properties and customers along its route.

Service Charge: A charge for making the waterworks and/or sanitary sewage system of the District ready to serve particular lots, tracts or parcels of land.

Sewage: Used water together with liquid and solid wastes from residences, commercial, institutional and industrial establishments.

Usage Rate: The rate for the use of the waterworks and/or sanitary sewage system of the District.

Waste

Water Reclamation: The structures, devices, equipment and appurtenances intended to produce, and capable of producing, a reclaimed water that can be reused without causing a nuisance or being detrimental to public health, safety and welfare.

Water

Distribution System: A grid of water mains to convey the water from the source of supply to the point of use.

Water Storage: A tank or tanks for storing water for fire protection and equalization of demands.

Waterworks: A water supply and distribution system in its entirety or any integral part thereof including mains, hydrants, meters, valves, storage tanks, wells, pumps, machinery, disinfection facilities, and all other elements useful in connection with such system.

## **SECTION 1-2 APPLICATION FOR SERVICE**

Application for any water or sewer service or use requested pursuant to this chapter shall be made in writing to the District. Every application shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of and/or service from the Districts waterworks and/or sanitary sewage system. All sanitary sewage system and waterworks tap on and connection charges prescribed in this chapter shall be paid to the District.

## **SECTION 1-3 DEPOSIT**

A deposit of ten dollars (\$10.00) shall be made with each application for water or sewer service to be retained by the District to insure payment of all bills. When service to the applicant has been permanently discontinued, this deposit, less any amount still owned to the District for services or uses furnished, shall be refunded.

## **SECTION 1-4 AUTHORITY TO BEGIN WATER SERVICE**

No water from the District 's water supply shall be turned on for service into any premises by any person other than the superintendent of water and sewers or some person authorized by him to turn on the water.

**SECTION 1-5 IMPROVEMENTS AND CONNECTIONS**

- (A) Improvements and/or expansions of water supply, storage, major water mains, sewage treatment, pumping stations and sanitary interceptor sewers will be made by the District in the course of orderly development, demand and financial capabilities.
- (B) No water and/or sanitary sewer connection will be permitted for a building which is unfit for human occupancy or has been condemned.
- (C) Water and/or sanitary sewer tap ons and connections for public buildings, schools, churches, institutions and public parks shall be by agreement with the District.

**SECTION 1-6 RESALE OR REDISTRIBUTION OF WATER PROHIBITED**

No water from the District water system shall be resold or redistributed.

**SECTION 1-7 TAMPERING WITH, INJURING OR ALTERING WATER OR SEWER SYSTEMS PROHIBITED**

It shall be unlawful for any person, not authorized by the District , to tamper with, injure or alter any part of the waterworks or sanitary sewer system.

**SECTION 1-8 STANDARDS AND REQUIREMENTS FOR SANITARY SEWER SYSTEMS**

All sanitary sewer systems shall meet the following minimum standards and requirements:

- (A) For residential units average daily sewage flow (including allowance for infiltration) of 100 gallons per person per day, and maximum peak sewage flow of 400 gallons per person per day.
- (B) Commercial and light industrial development shall be designed for 5,000 to 10,000 gallons per day per acre of property served.
- (C) Medium and heavy industrial development shall be based on the type and volume of waste contemplated.
- (D) Minimum population density for new areas not presently served of ten (10) persons per acre for residential and twenty (20) persons per acre for multi family.

- (E) Compliance with the latest "Rules and Regulations" adopted by the Illinois Environmental Protection Agency.
- (F) Sanitary sewers designed to be at least seven (7) feet below finished grade insofar as physically possible.
- (G) Minimum size of sanitary sewers of not less than eight (8) inches.
- (H) Maximum allowable infiltration of not more than 500 gallons per inch diameter per mile per day.
- (I) Wyes to be installed to receive building sewers.
- (J) All trenches within streets and for sanitary sewers constructed under proposed or existing paved areas shall be compacted backfill to ninety-five (95%) percent AASHO or compacted sand backfill.
- (K) All building sewer extensions which are under proposed and/or existing streets shall be constructed to a distance of seven (7) feet from paved or proposed paved area at the time of construction of the sanitary lateral sewer.
- (L) Sewer pipe and fittings shall conform to the following specifications:
  1. Reinforced concrete twenty-four (24) inch and larger diameter: ASTM specifications serial designations C76 class II through class IV.
  2. Ductile iron pipe sewers: ANSI specifications A21.51 (AWWAC-151), class thickness per ANSI A21.4 (AWWAC-104).
  3. PVC (polyvinyl chloride ) plastic pipe sewers: All pipe and fittings shall conform to type PSM in accordance with ASTM D-3034 for sizes 6 through 15 inches. The minimum SDR (standard dimension ratio) is 26 for pipe and SDR 35 for fittings. For pipe diameters 18 to 27 inches, pipe and fittings shall conform to ASTM F-679.
  4. Sewer pipe joints (concrete): ASTM specifications C443 for flexible gasket material.
  5. Sewer pipe joints (ductile iron): Mechanical or push on joints per AWWA C-111.
  6. Sewer pipe joints (PVC): ASTM specifications D-3212. Solvents joints are not permitted.
  7. Manholes: ASTM specifications C-478, C-139.

- (M) Sanitary sewer connections to the existing sanitary interceptor sewers shall be made at the manhole designated by the District. Change in grade of greater than two (2) feet by any manhole shall be accomplished by providing a drop stack. Invert of the manhole shall be modified to receive connection.
- (N) Connection to sanitary lateral sewer shall be in full accordance with sub articles V and VI of the building ordinance of the District.
- (O) PVC pipe shall only be used in gravity mains (i.e., zero pressure) for depths up to twenty (20) feet or less measured from top of pipe.
- (P) Sanitary sewer testing shall be in accordance with the latest Standard Specification for Water and Sewer in Illinois. The sewer shall meet the requirements of ex-filtration of air under pressure and television inspection. In addition, PVC sewer pipe must meet five (5%) percent deflection test requirements. All tests must be conducted in the presence of an employee of the District and the engineer's representatives. Written certification of test conformance shall be provided by an Illinois registered professional engineer.

**SECTION 1-9            STANDARDS AND REQUIREMENT FOR WATER DISTRIBUTION SYSTEMS**

- (A) Average daily water consumption shall be as follows:
  - 1.     100 gallons per capita per day for residential development.
  - 2.     400 gallons per 1,000 square feet of floor area for commercial and light industrial development.
  - 3.     Medium and heavy industrial development shall be based on the type of industrial operations contemplated.
- (B) Maximum day shall be computed on the basis of two (2) times the average day demand.
- (C) Maximum hour shall be computed on the basis of four (4) times the average day demand.
- (D) Fire demand shall be computed on a ten-hour duration at the following rate of flow:
  - 1.     Residential development at 1,000 gallons per minute.
  - 2.     Restricted commercial and school sites and multifamily dwellings at 1,500 gallons per minute.
  - 3.     High value commercial and industrial development at 3,000 gallons per minute.

- (E) Distribution main size shall be determined by the occupancy of the properties along the line and by the average daily water consumption of each, plus fire demand. The main shall be of sufficient size to deliver the required flow at a residual pressure of not less than twenty (20) pounds per square inch. The main shall in no case be less than as hereinafter specified.
- (F) Water mains and fittings shall be designed for an internal pressure of 100 psi working pressure plus water hammer allowance multiplied by a factor of safety of 2 ½.
- (G) Materials shall be as follows:
1. Ductile iron pipe shall conform to ANSI A21.51 (AWWA C151) with thickness class per ANSI A21.50 (AWWA C150), cement lined per ANSI A21.4 (AWWA C104) with mechanical or push on joints (AWWA C111). Ductile iron pipe fittings shall conform to AWWA C110.
  2. Where directed by the District, ductile iron pipe and fittings shall have polyethylene encasement in accordance with AWWA C105.
  3. Polyvinyl Chloride (PVC) pipe shall conform to AWWA C900 with a dimension ratio (DR)=18. Push on joints conforming to ASTM F-477 shall be used. Fittings shall be ductile iron conforming to AWWA C110.
- (H) Distribution systems shall comply with the following:
1. The grid of minor distributor mains supplying residential districts shall have a minimum pipe size of six (6) inches internal diameter, and shall be arranged so that the lengths between intersecting mains do not exceed 600 feet. Where longer lengths of six-inch mains are necessary, eight inch or larger intersecting mains shall be used. Minimum pipe size supplying high value commercial and industrial areas shall be eight (8) inches or larger. Principal supply mains shall be spaced not greater than 2,500 feet apart, and shall be of the size shown in the master water plan or larger if the type of development warrants.
  2. Water mains serving cul-de-sacs or permanent dead-end streets shall be a minimum of six (6) inches; provided, however, that if more than ten (10) homes are served from the main in the cul-de-sac or dead-end street, the main shall be a minimum of six-inch diameter and shall be looped through an easement or other right-of-way to another main in the grid.
  3. Water mains shall generally be located in the parkway between the street and the sidewalk on the north and west sides of the street, and shall have a minimum cover of five (5) feet.

4. Gate valves shall be located so that service may be maintained with the least disruption in the case of a break or other emergency. In no case shall valves be located more than 600 feet apart on distribution mains or 1,500 feet apart on principal feeder mains. Valves six (6) inches or greater shall be located in a valve vault with a minimum of four (4) feet inside diameter. Gate valves shall be of the double disc type and of a make common to the District or as specified by the superintendent of water and sewers. Valves shall have a standard operating nut and shall open in a counterclockwise direction. Gate valves shall be in accordance with AWWA C500 standard.
5. Hydrants shall be of the type and manufacture that is standard with the District. Hydrants shall have a minimum barrel diameter of five (5) inches, one (1) pumper and two (2) hose outlets of which the threads conform with the city's standard. Operating nuts shall open to the left in a counterclockwise direction. Hydrants shall normally be located at street intersections, but in no case shall the space between hydrants exceed 400 feet in residential districts and 300 feet in multi-housing, commercial or industrial developments. Hydrants shall be connected to water mains with a six-inch pipe and an auxiliary gate valve with a cast-iron valve box. Nozzle outlets shall be a minimum of eighteen (18) inches above finished grade.
6. Ductile iron water mains shall be installed and tested in accordance with AWWA C600 standard, latest edition thereto. PVC water mains shall be installed and tested in accordance with AWWA Manual M23.
  - (I) All water mains and appurtenances thereto shall be sterilized before they are put into service. The installer shall be responsible for sterilizing the mains and shall, under the supervision of a representative of the District, take samples which are to be submitted to the Illinois Environmental Protection Agency laboratory or other approved testing laboratory for bacteriological analysis. Acceptable bacteriological tests shall be required before the water mains will be permitted to be put into service. Water mains shall be disinfected in general accordance with AWWA C601 standard, latest edition thereto.
  - (J) Connections to existing water mains shall be made with a tapping tee and valve unless otherwise permitted by the District. Work shall be so scheduled and timed as to cause the least possible interference with the operation of the existing water distribution system. Water shall not be allowed to flow from the new mains into the existing mains until the new mains have been thoroughly flushed and sterilized. Care should be taken so as not to cause turbulence in the existing mains.
  - (K) Service connections to the mains shall be made by tapping the water main and installing a corporation cock. Service lines shall be a minimum of one inch type K copper tubing from the main to the meter. A round way shutoff with a buffalo box shall be set in the service line approximately seven (7) feet from the property line. The type and manufacture of the service



line fittings shall be as specified by the District. The service connection and lines to within seven (7) feet of the property line shall be installed with the installation of all secondary water mains. Meters shall be furnished by the District at the time the application for usage is made.

**SECTION 1 - 10      MAINTENANCE, REPAIR AND REPLACEMENT OF SERVICE LINES FOR WATER AND SANITARY SEWER SERVICES**

All owners shall be responsible for and pay for the repair, maintenance and replacement of all secondary water mains and sanitary lateral services which serve customers of the waterworks and/or sanitary sewage systems of the District. For the purposes of this section, secondary water mains shall include all fixtures, pipes, valves and appurtenances upon an owner's property to a point where such secondary water mains connect to the shut off or "buffalo box" at or near the major water main, even though such secondary water mains may be located upon or under publicly-owned property on a dedicated street or alley. For the purposes of this section, sanitary lateral sewer shall include all fixtures, pipes, tile, wye fittings and appurtenances servicing an owner's property to a point where such sanitary lateral sewer connects to a sanitary interceptor sewer, even though such sanitary lateral sewer may be located upon or under publicly-owned property on a dedicated street or alley.

**SECTIONS 1-11 to 1-20      RESERVED**

**SECTIONS 1-21 TO 1-30**

**ARTICLE II- SERVICE RATES AND CHARGES**  
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**SECTION 1-21      SEWER TAP-ON CHARGES**

Prior to connection of any building sewer with any sanitary sewer which is part of the District sanitary sewage system, the owner of the property for which services by said system is desired, shall pay to the District, in addition to other sanitary sewer service charges, a sewer tap-on charge as follows:

1.      Single family residential buildings ..... \$9,700.00
2.      Multi-family residential buildings per dwelling unit ..... \$9,700.00
3.      Restricted business, general business and industrial, per building based upon size of water meter installed in each building as follows:

<u>Meter Size (Inches)</u>	<u>Estimated Water Use (Gallons per Day)</u>	<u>Sewer Treatment Charge</u>
3/4	750	\$1,230.00
1	1,250	\$2,050.00
1 ½	2,000	\$3,275.00
2	3,000	\$4,915.00
3	6,250	\$10,185.00
4	12,500	\$20,425.00
6	20,000	\$32,775.00

4. A separate charge shall be computed for each residential building, dwelling unit and restricted business, general business or industrial building.
5. Notwithstanding the foregoing provisions, no sewer tap-on charges shall be charged by the District for connection to the sanitary sewer system upon the first to occur of:
  - (a) payment in full of the \$5,000,000 Sewerage Revenue Bonds, Series 1995, issued by the District; or
  - (b) the filing of the First Voucher pursuant to Special Assessment No. 1 of the District pursuant to Case No. MC950002 in the Circuit Court of Kane County, Illinois.

#### **SECTION 1-22 SANITARY SEWER CONNECTION CHARGES**

For the privilege of connecting any building improvement with the District sanitary sewage system, the applicant therefor, prior to issuance of a building permit, shall pay to the District, a sanitary sewer connection charge as follows:

1. For cases where the connection is directly to a sanitary interceptor or lateral sewer that has been installed and financed by the District, the charge shall be eleven dollars and no cents (\$11.00) per mean front foot of the property served.
2. For inspection of the installation where no wye exists, the charge shall be thirty dollars and no cents (\$30.00).

#### **SECTION 1-23 WATERWORKS TAP ON CHARGE**

Prior to connection of any building water line with any water main or lateral which is part of the District water system, the owner of the property for which service by said system is desired shall pay to the District, in addition to other water connection charges, a waterworks tap-on charge as follows:

1. Single family residential buildings ..... \$5,800.00
2. Multi-family residential buildings per dwelling unit ..... \$5,800.00
3. Restricted business, general business and industrial, per building based upon size of water meter installed in each building as follows:

<u>Meter Size (Inches)</u>	<u>Estimated Water Use (Gallons per Day)</u>	<u>Sewer Treatment Charge</u>
3/4	750	\$1,060.00
1	1,250	\$1,785.00
1 ½	2,000	\$2,845.00
2	3,000	\$4,185.00
3	6,250	\$8,810.00
4	12,500	\$17,570.00
6	20,000	\$27,945.00

4. A separate charge shall be computed for each residential building, multi-family dwelling unit and restricted business, general business or industrial building.
5. The permissible dwelling units or square feet of building area, as the case may be, on any given lot shall be determined in accordance with the Kane County zoning ordinance. If after the waterworks tap-on charge has been paid there is a change in the use of the lot involved which results in a higher fire demand classification being applicable to such lot, the difference between the waterworks tap-on charge appropriate for the new fire demand classification and the charge actually paid shall be immediately due and payable to the District. In no case shall a permit to build on such lot be issued by the District until said payment has been made.
6. Notwithstanding the foregoing provisions, no water tap-on charges shall be charged by the District for connection to the waterworks system upon the first to occur of:
  - (a) payment in full of the \$3,000,000 Waterworks Revenue Bonds, Series 1995, issued by the District; or
  - (b) the filing of the First Voucher pursuant to Special Assessment No. 1 of the District pursuant to Case No. MC950002 in the Circuit Court of Kane County, Illinois.

**SECTION 1-24 WATERWORKS CONNECTION CHARGES**

For the privilege of connecting any building improvement with the District waterworks, the applicant therefor shall pay to the District a waterworks connection charge as follows:

1. For cases where the connection is directly to a water main that has been installed and financed by the District, the charge shall be eleven dollars and no cents (\$11.00) per mean front foot of the property served.
2. For cases where the water service has been installed concurrently with the water main extension and said service was included as part of the water main improvement cost, the following charges shall apply:

3/4 inch x 3/4 inch meter:	\$150.00
1 inch meter:	\$200.00
1 1/2 inch meter:	At current cost to the District plus 15 per cent thereof.

For all other cases:

Tapping water main and inspection only:

3/4 inch and 1 inch service:	\$100.00
1 1/2 inch service and larger:	At current cost to the District plus 15 per cent thereof.

Furnishing corporation stop cock, curb stop, extension service box and meter:

3/4 inch x 3/4 inch service:	\$320.00
1 inch service:	\$400.00
1 1/2 inch service:	At current cost to the District plus 15 per cent thereof.

Inspection of installation and turn-on of the water will be \$30.00.

**SECTION 1-25 METERS REQUIRED**

All premises served by the District waterworks shall be equipped, at the customer's expense, with an adequate water meter approved by the superintendent of water and sewers.

**SECTION 1-26 READING METERS**

The superintendent of water and sewers shall read or cause to be read every water meter used in the District at such time as are necessary to insure that bills are sent out on time.

**SECTION 1-27 BILLING PROCEDURE**

Bills for use of the District waterworks and/or sanitary sewage system shall be dated and sent out monthly. Such bills shall be due and payable within twenty (20) days after the date thereof.

**SECTION 1-28 WATERWORKS RATES AND SERVICE CHARGES**

The meter rates monthly for water furnished to customers of the district shall be \$1.35 per 1,000 gallons. The aforesaid rate shall apply to monthly periods and the charge shall be based upon meter readings at the end of each period; provided, however, that in addition to the meter rates set forth above, a monthly waterworks service charge shall be charged to all customers based upon the meter size servicing said customer as set forth below:

3/4" meter or less .....	\$1.75
1" meter .....	\$2.00
1 1/2" meter .....	\$2.30
2" meter .....	\$3.10
3" meter .....	\$9.00
4" meter .....	\$11.20

**SECTION 1-29 ADDITIONAL CHARGE**

The aforesaid rates shall be subject to an additional charge for private fire service connections as follows:

1. For each six (6) inch or less private fire service connection: \$90.00 per year.
2. For each eight (8) inch private fire service connection: \$180.00 per year.

**SECTION 1-30 SANITARY SEWAGE SYSTEM USAGE RATES AND SERVICE CHARGES**

(A) There are hereby established the following monthly rates for the use and service of the sewerage system of the District:

Non-industrial user class:	\$2.55 per 1,000 gallons
Industrial user class:	\$3.65 per 1,000 gallons

In addition to the monthly rates for the use and service of the sewage system of the District as set forth above, all customers shall be charged a fixed monthly service charge of \$1.00.

- (B) If a non-residential customer establishes to the satisfaction of the District that a portion of the water used is not discharged into the District's sewage system, the District will permit the metering of such discharge only if the customer installs and maintains, at his sole expense, accountable metering equipment.
- (C) Reserved.
- (D) Reserved.
- (E) Where any premises discharges sewage or industrial waste into the Districts sewage system and the water thus discharged is obtained from a source other than the District waterworks, the District shall permit such discharge only if the owner of such premises installs and maintains, at his expense, a water meter meeting accepted standards of measurement.
- (F) The users of the works of the sewage system are hereby classified as follows:
  - 1. Industrial users shall mean any user of the sewage system identified in the Standard Industrial Classification Manual, 1972, office of management and budget, as amended and supplemented, under the category "Division D - Manufacturing", which discharges industrial waste.
  - 2. Industrial waste shall mean any waste discharge from industrial or trade practices as distinct from sanitary sewage.
  - 3. Nonindustrial user shall mean all users not specifically defined as industrial users.
- (G) Ninety (90) days prior to the close of each fiscal year, the District through its employees and staff shall prepare for the forthcoming fiscal year the following estimates for the sewage system. Such estimates of anticipated costs shall be prepared in accordance with general accounting principals and shall be based primarily, but not exclusively, upon the principals and shall be based primarily, but not exclusively, upon the expenditures made for such categories during the previous four (4) quarters.
  - 1. The anticipated costs of operation and maintenance.
  - 2. The principal and interest payments on the outstanding bond indebtedness and those bonds or portions thereof used for expansions or extensions to the sewerage system.

3. The anticipated total waste discharged (and percentage of total) for each user class based upon the following parameters determined from data recorded during the previous fiscal year.
  - (a) The total of yearly water use obtained from public water meter reading and flat rate estimates for each user class.
  - (b) The total of yearly water use obtained from private water meter readings for each user class.
  - (c) The yearly quantity of water credited to storm sewer discharge for each user class. The yearly quantity credited to the non-industrial class during June, July and August of the preceding year.
  - (d) The total waste discharged to the sewerage system by each user class obtained by adding the quantities in (a) and (b) and deducting the amount determined in (c) above.
  
- (H) Ninety (90) days prior to the close of each fiscal year, the district shall determine the revenues to the sewerage system derived by each user class, during the previous four (4) quarters from extension, treatment, and connection charges, miscellaneous income, and a portion of the interest on the bond reserve account required by the revenue bond ordinance, that portion being equal to the portions of all revenue bonds which were used for expansions or extensions to the sewerage system.
  
- (I) Not less than annually, the District shall determine the revenues from sewer service required from the non-industrial user class by multiplying the sum of (1) and (2) above by the percentage of total waste discharge by the non-industrial user class, and subtracting the quantity determined in (C) for the non-industrial user class.
  
- (J) Not less than annually, the District shall calculate the sewer use rate for the non-industrial user class by dividing the required revenue determined in (G) (3) (d) above by the total waste discharge by the non-industrial user class determined in (G) (3) (100) cubic feet (\$/100 C.F.) of wastes discharged.
  
- (K) Not less than annually, the District shall determine the revenues from sewer service required from the industrial user class by multiplying the sum of (g) (1) and (2) above by the percentage of total waste discharge by the industrial user class, and subtracting the quantity determined in (G) (3)(c) for the industrial user class.

- (L) Not less than annually, the District shall calculate the sewer use rate for the industrial user class by dividing the required revenue determined in (g) above by the total waste discharged by the industrial user class determined in (G) (3) above. The rate shall be expressed in dollars per one hundred (100) cubic feet (\$/100 C.F.) Of wastes discharged.
- (M) If either or both of the rates determined in (E) or (G) above are significantly different than the then current rate, the District shall amend the sewer service ordinance by rescinding the applicable current rate and establishing the new rate.
- (N) The minimum charge for all metered or nonmetered users of the wastewater facilities shall be based on the applicable sewer use rate and a discharge of three hundred fifty (350) cubic feet per billing period. In the event that the use by any nonmetered user exceeds three hundred fifty (350) cubic feet per billing period, the District may require such nonmetered user to install metering devices on the water supply or sewer main to measure the amount of use.
- (O) Application of the sewer use rate for the industrial user class determined in (g) above shall be based on the assumption that wastes discharge from industrial or trade practices as distinct from sanitary sewage have, as a minimum, the characteristics of normal domestic sewage thereby precluding "negative" or less than base charges for weak strength wastes. Normal domestic sewage is defined as containing two hundred (200) mg/1 of five-day BOD, two hundred fifty (250) mg/1 of suspended solids, and twelve (12) mg/1 of phosphorus.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as deemed necessary by the District and shall be binding as a basis for surcharges. Surcharges shall be levied on those wastes which, on the basis of the most recent samples, contain higher than normal concentrations of the above-mentioned constituents. The surcharge shall be levied on the next regular bill and shall continue to be levied until it is determined to the District's satisfaction that the concentrations of the waste constituents do not, at any time, exceed normal concentrations. The District shall notify, in writing, all discharges of waste which is subject to said surcharges.

The calculations of said surcharges shall be as follows:

1. The sewer use rate for wastes with higher than normal concentrations of five-day BOD and/or suspended solids shall be increased by one-tenth (0.1) per cent for each mg/1 of excess BOD and/or suspended solids.
- (P) Not less than annually, the District shall charge each industrial user for the expenses incurred by the District to review and examine the subject user's wastes.



- (Q) To assure adequate waste treatment on a continuing basis, the District shall designate the funds currently on deposit in the sewage treatment plant depreciation fund account and all interest earned on such funds as reserved for the purchase and replacement of equipment and facilities for the sewage treatment plant.

#### **SECTION 1-31      LIABILITY FOR PAYMENT OF BILLS**

The owner of the premises, the occupant thereof and the customer who uses the District waterworks and/or sanitary sewage system shall be jointly and severally liable for payment of any bill rendered by the District for such use.

#### **SECTION 1-32      DELINQUENT BILLS**

- (A) If any bill is not paid by the due date the District shall be entitled to collect a late charge in an amount equal to 10% of the amount of the bill which is not paid when due or the portion thereof which is not paid when due.
- (B) If any bill for use of the District waterworks and/or sanitary sewage system is not paid within sixty (60) days after it is rendered and mailed, the use for which the bill is delinquent shall be discontinued without further notice and shall not be reinstated until all past-due bills are paid in full together with the usual fee for turning on the water.
- (C) The District attorney is hereby authorized and directed to institute such proceedings, in the name of the District, in any court having jurisdiction over such matters, against any property as to which the waterworks and/or sanitary sewerage system bill has remained unpaid for a period of sixty (60) days after it has been rendered.
- (D) In the event the District is required to commence any proceedings to collect any delinquent bill, including but not limited to any unpaid late charge as provided herein, the District shall also be entitled to recover from the Customer and/or the Owner any attorneys' fees and out-of-pocket expenses incurred by the District in collecting or attempting to collect such past due amounts.

#### **SECTION 1-33 to 1-45      RESERVED**

**SECTIONS 1-46 to 1-50**

**ARTICLE III - WATER CONSERVATION**  
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**SECTION 1-46      DEFINITIONS**

For the purposes of this Article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense including the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

District:        "District" is the Mill Creek Reclamation District.

Person:        "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Water:        "Water" is water from the District Water Supply System.

**SECTION 1-47      APPLICATION OF REGULATIONS**

The provisions of this Article shall apply to all persons using water provided by the District and regardless of whether any person using water shall have a contract for water service with the District

**SECTION 1-48      CERTAIN USES RESTRICTED**

The use and withdrawal of water by any person for the following purpose is hereby restricted as set forth in Section 1-49 below:

1.     Watering Yards and Gardens. The sprinkling, watering or irrigating of lawns, grass, sod, shrubbery, trees, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation with sprinkling devices. The use of root feeders and drip type irrigation devices are exempt from this provision.
2.     Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, filling station aprons, porches, decks and any other outdoor surfaces.
3.     Ornamental Fountains. The operation of any ornamental fountain or other structure not employing a re-circulating system.

4. Swimming Pools. Swimming and wading pools with a capacity greater than 50 gallons and not employing a filter and re-circulating system.

**SECTION 1-49      RESTRICTION ON RESIDENTIAL, BUSINESS AND INDUSTRIAL USES**

All residences, business and industries using District water shall be restricted in the use of water for the purposes described at Section 1-48 above, as follows:

1. All properties with even numbered street addresses may use water for the restricted purposes listed at Section 1-48 above on even numbered days of the month only, and all properties with odd-numbered street addresses may use water for such restricted purposes on odd-numbered days of the month only.
2. Restricted hours: Water from the District water distribution system may be used for the purposes set forth in Section 1-48 above only between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 6:00 p.m. and 9:00 p.m. Central Standard Time or Central Daylight Savings Time, as the case may be.
3. Sod laying and seeded lawn installation restricted.
  - (a) Newly installed sod or seed utilizing automatic sprinkling device(s) may be watered for a period of time not to exceed 15 hours on the first day between the hours of 6:00 a.m. and 9:00 p.m. For the next consecutive nine (9) days watering shall be permitted between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 6:00 a.m. and 10:00 p.m. Following said first 10-day period, the permittee must comply with the odd/even schedule set forth at Section 1-48 above.
4. Watering by hand-held hoses or the use of drip type irrigation watering devices shall be permitted during any day of the month, at any time of the day, for the following uses only:
  - (a) Washing cars provided that all water hoses are equipped with positive shut-off nozzles.
  - (b) Watering flowers, trees (including root feeders), shrubs and gardens.
  - (c) Watering of lawns.
  - (d) Filling of wading pools under 50 gallons of capacity

**SECTION 1-50 SETTLEMENT OF VIOLATIONS**

Any person accused of a first violation of this Article III may settle and compromise the claim of violation against him by paying to the District within ten (10) days of the time such alleged violation or offense was committed, the following sums for such violation or offense: \$50.00

Consecutive violations of this Article III shall be treated as separate offences. Payment of such claim or claims shall be made at the office of the District. In the event such claim or claims are not paid within ten (10) days of the time of the alleged offense, a notice to appear or a warrant (summons) may be issued or the arrest of the offender.

**SECTIONS 1-51 to 1-55 RESERVED**


**SECTION 1-56 APPLICABILITY**


This Ordinance shall apply to any property located within the boundaries of the District as legally described on Exhibit "A" attached hereto and any other property (whether within or outside the District) which is served by the District or is otherwise under the jurisdiction of the District. The use of the District's Systems and compliance with the rules and regulations set forth herein shall be required at all times.

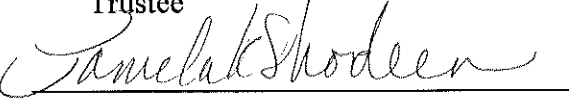
**SECTION 1-57 SEVERABILITY**

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.

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 7<sup>th</sup> Day of September, 1995.

  
District President

  
Trustee

  
Trustee