

ORDINANCE NO. 705

CONNECTION PERMITS and OWNERSHIP OF LATERALS

RECITALS

1. WHEREAS, the Board of Trustees of the Wheaton Sanitary District, hereinafter referred to as “Board”, desires to establish a system of charges for the District’s facilities and lateral ownership; and,
2. WHEREAS, Illinois Compiled Statutes (70 ILCS 2405/0.1 et seq.), the Illinois Sanitary District Act of 1917, authorizes the District to assess fair and reasonable charges to users of the system for construction, expansion, and extension of the system; and,
3. WHEREAS, the District desires to rescind Ordinance No. 648 and to replace it with this Ordinance No. 705; and,
4. WHEREAS, a uniform connection permit fee for each residential unit is fair and reasonable; and,
5. WHEREAS, each single family residential unit should have its own individual sanitary sewer service lateral extending from the residence to the sanitary sewer main; and,
6. WHEREAS, for commercial buildings, a connection permit is required if there is a change in population equivalents; and
7. WHEREAS, the District needs to know the quantity of the flow and the characteristics of the flow discharged into the sanitary sewer system; and
8. WHEREAS, the loading from a commercial/industrial facility should be determined based on a population equivalent; and,
9. WHEREAS, if a commercial/industrial user wastewater discharge has characteristics that will adversely affect the District’s sewers or wastewater treatment facilities (i.e. grease, acids, etc.), pretreatment facilities shall be required and maintained at the commercial/industrial facility by the property owner. In addition, a higher monthly user charge (Surcharge) for wastewater transport and treatment may be required; and,
10. WHEREAS, the original cost of construction, adjusted by an appropriate index, is an equitable method of determining the current replacement cost of the system capacity;
11. WHEREAS, the Engineering News Record Construction Cost Index (ENR CCI) is deemed to accurately reflect the increases in the cost of construction of public works

facilities, including sanitary sewers and wastewater treatment facilities.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Trustees of Wheaton Sanitary District, DuPage County, Illinois as follows:

Section I - Recitals

The foregoing Recitals are incorporated herein as if fully set forth below.

Section II - Definitions

Board shall mean the Board of Trustees of the Wheaton Sanitary District.

CCI shall mean the average annual calendar year Construction Cost Index as published in Engineering News Record (ENR).

Collector Sewer shall mean the local sewer to which individual sanitary sewer services drain directly.

Connection shall mean the physical attachment of a service lateral from private property to the public sewer to convey wastewater from the private property to the public sewer system and/or the installation of additional plumbing fixtures draining to an existing service lateral that will result in an additional hydraulic or organic load on the treatment works.

Connection Permit shall mean a permit authorizing the discharge of a specific volume and type of wastewater to the sanitary sewer system.

Discharge shall mean the drainage of sanitary wastewater from a building or property.

District shall mean the Wheaton Sanitary District.

Engineering News Record shall mean the Engineering News Record as published by McGraw Hill Company.

I/I shall mean Infiltration/Inflow which is a term used to describe groundwater and storm water flow that is not intended to enter the sanitary sewer system.

ILCS shall mean the Illinois Compiled Statutes.

Lateral or Service Lateral shall mean the pipe from a structure to the public sewer system including the fitting connection to the public sewer system.

Interceptor Sewers shall mean the large sanitary sewers to which collector sewers drain and

which convey sanitary sewage directly to the treatment plant.

Population Equivalent shall mean 100 gallons of sewage per day, containing 0.17 pounds of 5-Day Biochemical Oxygen Demand and 0.20 pounds of suspended solids discharged to the sanitary sewer system.

Sanitary Sewer System shall mean the network of sanitary collector and interceptor sewers which drain to the District's treatment facility.

Treatment Works shall mean the sanitary sewer system and the treatment facility owned and operated by the District.

User Charge shall mean the fee charged to users of the system based on water use to defray the costs of operation, maintenance, and replacement of the treatment works of the District.

Section III - Connection Permits

A. Connection Permits Are Required For:

1. New Construction

A new discharge into the sanitary sewer system tributary to the treatment works of the District based on the volume and type of waste in Population Equivalents.

2. Modifications to Existing Commercial or Multi Family Structures

Modifications to existing commercial buildings or multi-family structures or changes in use of existing buildings where the modifications or changes in use result in additional Population Equivalents;

3. Demolition of Structures connected to District owned sewer lines.

Demolition of sanitary sewer laterals and connections to sewer mains owned and operated by the District require an inspection to verify that existing connections are properly abandoned and plugged.

Section IV – Collector Sewer Costs

A. Collector Sewer Costs

Collector sewer costs shall be based on the costs associated with the design and installation of the collector sewer.

B. Annual Adjustment of Collector Sewer Costs

Collector sewer costs shall be based on the cost of the collector sewer and adjusted annually by the ENR CCI.

Section V - Population Equivalents

For purposes of determining connection permit fees, the District will generally use Population Equivalents as follows:

A. Single-Family Residences or Condo = 3.5 for each residence

B. Multi-Family Residences (per unit) =

- a. Studio Apartment – 1.0
- b. 1 Bedroom – 1.5
- c. 2 Bedrooms or more – 3.0

C. Institutional/Commercial/Industrial Facilities

1. The population equivalents from institutional/commercial/industrial facilities can vary based on uses of the buildings. In addition, the volume and character of wastewater discharged into the District's sanitary sewer system can vary. Chemical constituents in the wastewater may require pre-treatment of the wastewater before the wastewater may be discharged into the sanitary sewer system.
2. The volume and character of sanitary sewer flow for many commercial facilities is frequently predictable. Typical commercial, institutional, and industrial population equivalents are summarized in the JCAR administrative code. If in question, a licensed Professional Engineer in the State of Illinois should determine the population equivalent.

D. Credits

Population equivalents credits will be considered if a structure previously existed on the property, which was permitted and connected to the sanitary sewer system. Credits will be issued based on the highest PE value of prior connection permits. If the property was permitted without a PE value, the population equivalent of the existing structure can be determined by a licensed Professional Engineer in the State of Illinois. It is at the sole discretion of the District if any credit is to be issued.

Additionally, in the event that a property is modified, demolished, destroyed, or otherwise rendered unusable or uninhabitable, no portion of the connection permit fee will be refunded.

Section VI – Sequence of Connection Permit Application, Review, Approval, and Issuance

- A. When an application is made the District will endeavor to review the application within five District business days to determine if all of the application paperwork has been submitted and if the property is eligible for connection.

When the application is determined by the District to be full and complete, the District will notify the applicant that the connection permit is ready. The applicant will then have 60 days to pay the permit fee. Permits not paid within 60 calendar days shall lapse. If a permit lapses the application will be closed and the permit voided. If the customer wishes to reopen the application a new permit will be issued subject to any changes in fees.

- B. A connection to the District's sanitary sewer system may not be made without a connection permit.

Section VII - Connection Permit Fee Schedule

Connection permit fees are set on a fiscal year basis (i.e. May 1st to April 30th). On May 1st, the new fiscal year fee schedule shall apply, with the exception of those permit applications submitted prior to May 1st.

Section VIII – Enforcement, Fees, Costs

It is unlawful and a violation of this Ordinance to connect or attempt to connect to the Sanitary Sewer System without first obtaining a Connection Permit and complying with this Ordinance.

Any person who violates this Ordinance is subject to enforcement and sanctions as provided in this Ordinance.

The District is authorized to take all action necessary to abate or remedy a violation of this Ordinance.

The District's remedies for violation of this Ordinance include authority to:

1. Disconnect an unlawful connection;
2. Coordinate the disconnection of any unlawful connection with another unit of local government, e.g., the City of Wheaton;
3. Enjoin an unlawful connection;
4. Enjoin an attempt to connect without first complying with this Ordinance;
5. Coordinate with another unit of local government the termination of water service to the property;
6. Recover user charges for all unauthorized use of the Sanitary Sewer System;
7. Recover all costs or expenses incurred by the District in correcting a violation of this Ordinance;
8. Recover reasonable attorney fees, expert witness fees, court costs and litigation expenses related to a violation of this Ordinance;

9. Recover a fine of \$1,000 per day for each day of a violation;

10. Place a lien against the property for all amounts due.

The District may seek cumulative remedies.

The District may, at reasonable times, enter all buildings, other structures, and properties for the purpose of inspection to determine the status of compliance with the provisions of this Ordinance.

The remedies listed in this Ordinance are not exclusive of any other remedies available under Federal law, Illinois law, or local laws, regulations or ordinances.

Section IX – Lateral Ownership

The District does not own laterals or service laterals (“laterals”). Laterals are owned by the owners of the property served by the laterals.

The District does not provide inspection or maintenance of laterals. Inspection and maintenance of laterals are the responsibility of the owners of the property served by the laterals.

Lateral repairs are the responsibility of the owners of the property served by the lateral. For portions of the lateral that are located in public right of way, the District, at its sole discretion, may contribute to the repair cost for that portion of a lateral in the public right of way.

The District does not allow new laterals to be shared by multiple properties. For existing laterals shared by multiple properties those properties are responsible for shared lateral inspection, maintenance, and repair. The District does not have ownership, inspection, maintenance, or repair responsibility for laterals shared by multiple properties.

Section X - Repealer

Any and all ordinances or parts of ordinances in conflict herewith be, and are, hereby repealed, to the extent of such conflict.

Section XI - Severability

This Ordinance is severable and the invalidity or unconstitutionality of any portion thereof shall not affect the remaining portions thereof.

Section XII- Modification of Correction Permit Application Forms

The Executive Director of the District has authority, without further Board authorization, to modify Connection Permit Application Forms and Connection Permits consistent with the Board’s intent as expressed in this Ordinance.

Section XIII - Effective Date

This Ordinance is effective June 12, 2024.

Dated June 12, 2024

President, Board of Trustees
Wheaton Sanitary District
Wheaton, DuPage County, Illinois

ATTEST:

Clerk, Board of Trustees
Wheaton Sanitary District
Wheaton, DuPage County, Illinois

<https://psnrbc.com.sharepoint.com/sites/PS/Shared Documents/General/WHEATONSANITARYDISTRICT/Ordinance 705 - Connection Permit and Lateral Ownership - clean.docx>