

CHAPTER 40: ILLEGAL CONNECTION TO BUILDING SERVICE LINE

Flagg Creek Water Reclamation District - Illegal Connection to Building Service Line

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' 40-1.01 RECITATIONS.

The Board of Trustees hereby adopts the above recitations as part of this Ordinance 768.
(Ord. 768, passed 3-25-2004)

' 40-1.02 ACCEPTING OBLIGATION.

The Board of Trustees has heretofore accepted the obligation imposed by the federal government as a result of the enactment of the Clean Water Act and the regulations promulgated by the Federal Environmental Protection Agency, including the obligation to charge user charges for collection, conveyance and treatment of sanitary wastes and infiltration/inflow arising from all parcels of land or user served by the District system.

(Ord. 768, passed 3-25-2004)

' 40-1.03 CALCULATING USER CHARGES FOR ILLEGAL CONNECTION.

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The Director of the District is hereby instructed that, whenever an illegal connection, directly or indirectly, to the District system is detected (whether discharging sanitary wastes or inflow/infiltration waters), the Director shall calculate the estimated sum of user charges based upon the current rates which the District has not collected as a result of the non-disclosure of such illegal connection and is further directed to submit to the owner of the land or such building or structure from which the illegal flow emanates an original user charge billing (if no user charges have been paid) or supplementary user charge billing (if user charges have been paid, but not for the flow emanating from an illegal storm water/sump pump - piping system connection).

(Ord. 768, passed 3-25-2004)

' 40-1.04 FLAT RATE BILLING.

(A) For an illegal connection of the building service line, there shall be a flat rate billing for the type of use as authorized in the District ordinances as generally applicable, with the starting date of service the latest of the year of construction of the building, as indicated by the records of the Township Assessor=s records, 1975, and the date that the current owner took title. An owner shall have the right to make proof of a later date, in which case, if such proof is accepted by the District, such later date shall apply as the beginning date for the flat rate billing. If later proof indicates that the building service line was laid with materials not then authorized by the District ordinance, the District may require that the line be replaced with proper approved materials.

(B) In the case of an illegal connection of a storm water/sump pump - piping system, the estimated flow shall be based upon the full capacity of the size of the pipe under pressure and it shall be assumed that the pipe flows full at least 12 hours per day and, in making such calculation, the Director shall use, as the beginning date, the date the latest of the date of the assumption of ownership by the current owner, 1975 or of the issuance of the original connection permit for the building or structure from which the flow emanates.

(C) The Director shall use the following formula to calculate the supplemental user charge billing for a storm water/sump pump - piping system connection:

$\text{FPF} \times 12 \text{ (operating hours per day)} \times 365 \text{ (days per year)} = F$ $Y \times F = Q$ $Q \times S = \text{Supplementary user charge billing}$
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Definitions:

FPF = Full pipe flow based upon size of pipe

Y = The number of years since the original connection permit was issued (shall not be greater than current year - 1975 or the current year minus the year of acquisition by current owner)

F = The full flow capacity of the illegal discharge pipe connected to the system

Q = The total quantity of flow which it is estimated that the District has received since the illegal connection was made

(Ord. 768, passed 3-25-2004)

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' 40-1.05 DELIVERING ORIGINAL FLAT RATE USER CHARGE BILLING.

The District shall deliver such an original flat rate user charge billing in the case of an illegal building service line connection or a supplementary user charge billing in the case of a storm water/sump pump - piping system connection or combined user charge billing in the case both types of illegal connections are discovered, by mail, one copy regular mail, one copy by return receipt requested certified mail and a final copy by affixing it to the front entrance of the building addressed to the user/owner.
(Ord. 768, passed 3-25-2004)

' 40-1.06 NOTICE TO DISCONNECT ILLEGAL CONNECTIONS.

The District shall also deliver, in the same envelopes, a notice to disconnect the illegal connection(s) from the District system.
(Ord. 768, passed 3-25-2004)

' 40-1.07 USER CHARGE LIEN.

If the original user charge bill, adjusted user charge billing or both is not paid in full or arrangements are not made for installment payment of the full amount within ten days, a user charge lien shall be filed in the office of the Recorder of Deeds of DuPage County. In the case of installment payments are authorized, a deferred lien agreement authorizing such installments shall be recorded as a lien upon the property.
(Ord. 768, passed 3-25-2004)

' 40-1.08 FAILURE TO DISCONNECT.

Failure to disconnect the illegal connection(s) within ten days after the later of the mailing of the letters with proper postage prepaid, or posting on the door of the building, shall result in a revocation of the original connection permit, if any, and a disconnection order.
(Ord. 768, passed 3-25-2004)

' 40-1.09 PAYMENT IN FULL REQUIRED.

After disconnection, there shall be no reconnection until the full user charges due to date of disconnection, including the original billing and/or adjusted user charge billing, or both, are paid and a full composite connection charge and, where applicable, composite connection surcharge is paid based upon the rate schedule in effect on the date of reapplication. No credit shall be given for any prior payment of composite connection charges or composite connection charge surcharges and/or, in the case where the subject parcel is within the area acquired from the Oak Brook Utility Company, no capacity

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allocation made to the parcel as a result of a State Commerce Commission hearing on a certificate of convenience and necessity shall be applicable. Under no circumstance shall any storm water/sump pump - piping system connection be authorized to be connected to any system tributary to the District system.

(Ord. 768, passed 3-25-2004)

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