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Lake County IL Recorder
Mary Ellen Vanderverter Recorder

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ORDINANCE NO 2008 - 10 - 01

**ORDINANCE ESTABLISHING A COST REIMBURSEMENT
PROGRAM FOR THE INSTALLATION OF OVERHEAD
SEWERS OR BACKFLOW PREVENTION DEVICES**

AFTER RECORDING, MAIL TO:

LAKES REGION SANITARY DISTRICT
25700 W. OLD GRAND AVENUE
INGLESIDE, IL 60041

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ORDINANCE ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR THE INSTALLATION OF OVERHEAD SEWERS OR BACKFLOW PREVENTION DEVICES

WHEREAS, the Lakes Region Sanitary District has an ongoing sanitary sewer system repair and rehabilitation program to reduce infiltration and inflow; and

WHEREAS, despite the sanitary sewer system repair and rehabilitation program and the District's best efforts, some District residents have experienced sanitary sewer backups during periods of heavy rainfall; and

WHEREAS, the District has determined that the installation of overhead sewers or backflow prevention devices may reduce infiltration and inflow and prevent future occurrences of sanitary sewer backups; and

WHEREAS, the District has determined that a cost reimbursement program for the installation of overhead sewers or backflow prevention devices may be beneficial; and

WHEREAS, the District has determined that certain requirements for a cost reimbursement program are necessary to protect the District's sanitary sewer system, the integrity of such a program and the financial well-being of the District,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE LAKES REGION SANITARY DISTRICT:

That a cost reimbursement program for the installation of overhead sewers or backflow prevention devices to reduce infiltration and inflow and prevent future occurrences of sanitary sewer backups is hereby established in accordance with the following requirements:

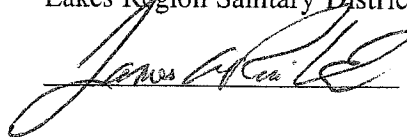
- 1) The District will reimburse an Owner up to \$4,000.00 or 50% of the cost, whichever is less, for the installation of a District approved overhead sewer system; or up to \$1,000.00 or 25% of the cost, whichever is less, for the installation of a District approved backflow prevention device. The District's preference is toward an overhead sewer system which provides more reliable backup prevention.
- 2) The program applies to all buildings connected to the Lakes Region Sanitary District collection system and constructed prior to August 1, 2003.
- 3) The program shall apply to installations of overhead sewers or backflow prevention devices made on or after the effective date of this Ordinance. The District shall, in its sole discretion, determine the eligibility of installations for this program.
- 4) Financial participation of the District is limited to funds budgeted for the program. Funding levels may be changed or eliminated based on the District's annual review of the program.

- 5) Applications will be classified into the following priority groups for purposes of determining funding eligibility.
 - a) First priority – One or more sanitary sewer backups have occurred at the building and been reported to the District. For purposes of this program, sanitary sewer backups are defined as those attributable to a problem within the publicly owned portion of the sewer system and do not apply to backups occurring as a result of a problem with the privately owned service. The Owner must provide documentation of previous sanitary sewer backups. Prior reports of sewer backups to the District either by telephone at the time of the backup or by submittal of a Sanitary Sewer Backup Report as completed by District staff shall constitute adequate documentation of a sanitary sewer backup.
 - b) Second priority – Any building which has the potential to experience sanitary sewer backups as a result of insufficient elevation differential between the building's internal plumbing and the District's sanitary sewer system. No sanitary sewer backups have occurred at the property, but the Owner is desirous of installing an overhead sewer or backflow prevention device as a preventative measure.
- 6) No Owner shall be eligible for participation unless the Owner and the building where the overhead sewer or backflow prevention device is or has been installed are in compliance with all District ordinances, including, but not limited to, payment of all fees and charges due to the District.
- 7) A reimbursement is limited to one time for any given property.
- 8) The program is limited to the actual cost of the overhead sewer or backflow prevention device installation, subject to the funding limitations described above, but does not include incidental costs such as landscape restoration, painting, tile, carpeting, etc.
- 9) The Owner of the building where the overhead sewer or backflow prevention device is installed must agree to release and waive any claim, suit or liability against the District from any previous sanitary sewer backups or any consequence of the selection of the system to be installed, contractor to be utilized, installation of the system, operation or maintenance of the system once it is installed, or the eligibility, participation or funding priority in this program.
- 10) The Owner must allow the District to inspect the building prior to the District's determination of eligibility for this program. All sources and potential sources of infiltration and inflow into the sanitary sewer service from their property must be eliminated, at the Owner's expense, as part of this program. The Owner must allow the District to inspect the building following participation in the program and completion of the installation to insure that all infiltration and inflow into the District sanitary sewer system from their property has been eliminated.

- 11) The District Manager shall develop, subject to approval of the Board of Trustees, such program requirements as may be necessary to implement the program established by this Ordinance.
- 12) The District Manager shall review all applications for participation, including the proposals for installation, and may require revisions thereon to comply with applicable District ordinances and requirements.
- 13) The District shall have the sole authority to determine eligibility for participation, prioritization of requests and compliance with all District ordinances. Any appeal of decisions made by the District Manager shall be made to the Board of Trustees and said Board of Trustees shall be the final authority.
- 14) The program will be evaluated from time to time in the District's discretion and the District may change or eliminate the program.

PASSED AND APPROVED by the President and Board of Trustees of the **LAKES REGION SANITARY DISTRICT** at a regular meeting of the Trustees held on the 9th day of October, 2008, to become effective within ten (10) days after publication thereof.

President, Board of Trustees
Lakes Region Sanitary District



ATTEST:

Clerk, Board of Trustees
Lakes Region Sanitary District



	AYES	NAYES	ABSENT and/or NOT VOTING
James Raihle	x		
Kurt Stimpson	x		
Nancy Dague	x		

Passed: OCTOBER 9, 2008

Approved: OCTOBER 9, 2008

Published: NOVEMBER 1, 2008