THE VILLAGE OF OAK LAWN
Cook County, Illinois

ORDINANCE
NO. 19-28-96

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 9 OF THE OAK LAWN MUNICIPAL CODE PERTAINING TO EXTRANEOUS FLOWS IN THE VILLAGE'S SANITARY SEWER SYSTEM

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WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Oak Lawn, Cook County, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village of Oak Lawn ("Village") maintains and operates a stormwater sewer system to collect wastewater from homes and businesses throughout the Village ("Sewer System"); and

WHEREAS, pursuant to Section 9-4D-11 of the Village Code, the Village has established a program to eliminate extraneous flows entering into the Sewer System by providing financial assistance to Village residents who report Sewer System infrastructure that is not in compliance with the Village Code; and

WHEREAS, the Village now desires to amend Section 9-4D-11 of the Village Code to establish a cost-share program which will allocate additional Village funds to promote private property improvements that will reduce extraneous flows into said Sewer System ("Amendments"); and

WHEREAS, it has been determined by the President and Board of Trustees of the Village of Oak Lawn that it is in the best interest of the Village and its residents approve the Amendments to Section 9-4D-11 of the Oak Lawn Village Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK LAWN, COOK COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: That Title 9 Chapter 4D Section 11 entitled "EXTRANEOUS FLOWS INTO SANITARY SEWER SYSTEM" of the Village Code of Oak Lawn be and is hereby by amended by deleting the following strikethrough language and adding the following underlined language:

9-4D-11: EXTRANEOUS FLOWS INTO SANITARY SEWER SYSTEM:

A. Prohibited, Defined: It is the purpose of this section that the entry of extraneous flows into the sanitary sewer system be prohibited and be discontinued, where such entry may be occurring accidentally or knowingly. Extraneous flows are those flows, other than domestic sewage or industrial waste, consisting of ground waters, surface waters, storm waters and other drainage or clear waters.

B. Discharges, Connections Regulated:

1. It shall be unlawful to discharge or cause to be discharged, directly or indirectly, into the sanitary sewer system of the village any ground waters, surface waters, storm waters or any other extraneous flows.

2. It shall be unlawful to make a connection or to maintain or operate a connection which serves any home, building or any other establishment, premises or facilities, and which contributes, directly or indirectly, to the sanitary sewer of the village, any ground waters, surface waters, storm waters or any other extraneous flows.

C. Certain Drains Considered Illegal Connections: All drains or connections designed or intended to receive and discharge ground waters, surface waters, storm waters and other drainage, shall be considered illegal connections if they discharge directly or indirectly into the sanitary sewer system. Such illegal connections include, but are not limited to, roof drains, downspouts, footing drains, areaway drains, drain tiles (and sump pumps used to collect and discharge same), yard drains, catch basins and inlets, and such connections shall not be allowed to discharge directly or indirectly into the sanitary sewers.

D. Responsibility Of Owner To Maintain Connections To Sanitary Sewer: The proper maintenance and operation of a building service sewer, house connection or sanitary sewer line to the point of connection to the municipal sanitary sewer system shall be the responsibility of the owner of the premises served by said sanitary sewer pipes. "Maintenance" means keeping the sanitary sewer connection, sewer lines or other sewer facilities or structures in satisfactory working condition and good state of repair (including, but not limited to, preventing any obstructions or extraneous materials or flows from entering said facilities, protecting said facilities from any damage and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sewer facilities are at all times capable of satisfactorily performing the services and adequately discharging the functions and producing the final results and purposes said facilities are intended to perform, discharge or produce. Notwithstanding the foregoing, so as to ensure the proper restoration of dedicated right of way under the jurisdiction of the village, where maintenance or repair to the building service sewer, house connection or sanitary sewer line by the owner of the premises served by same requires that work be performed in the dedicated right of way under the jurisdiction of the village, the village shall perform any necessary street or alley restoration work within said dedicated right of way, after said maintenance or repair work is complete, and shall perform any grass, sidewalk, concrete driveway apron or bituminous concrete driveway apron restoration work within the parkway portion of the dedicated right of way, after said maintenance or repair work is complete. Any parkway area restoration work other than as referenced above (e.g., nongrass landscaping, brick paver driveway apron, stamped concrete driveway apron) shall

be the responsibility of the owner of the premises served by the building service sewer, house connection or sanitary sewer line that is subject to the maintenance or repair work.

E. Discharges From Roof Drains, Footing Drains And Sump Pumps: All downspouts or roof drains shall discharge onto the ground or be connected to storm sewer, drainage ditches or drainage system. Footing drains shall be connected to sump pumps and discharge shall be made into storm sewers, drainage ditches or drainage system. Sump pumps installed to receive and discharge ground waters or other storm waters shall be connected to the storm sewer or discharge into a drainage ditch or drainage system. Sump pumps installed to receive and discharge floor drain flow, laundry tubs or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one function only, either the discharge of storm waters, or the discharge of sanitary sewage.

F. Program To Eliminate Extraneous Flows; Visual Inspections; Corrections For Compliance

1. Because of their almost instantaneous impact, their injurious results, substantial contributions, and relative ease of correction, the village will institute a priority program for the elimination of extraneous flows entering into the sanitary sewer system through downspouts, roof drains and other visible or outside connections which are connected directly or indirectly to the sanitary sewer system.

2. Within a period of one year from the date hereof, and at no expense to the property owner, the village will make visual outside inspections of all properties within the village, with specific attention to downspouts, roof drains and other visible or outside connections, and, if requested by the property owner, the village will enter into the premises to ascertain if illegal connections are present. Upon completion of the visual outside or inside inspection, the village public works department, will advise the property owner in writing if any illegal connections are observed, and will advise on the manner of corrections for compliance with the provisions of this section. After the corrections are made, the village will, at no expense to the owner, make further inspections of the corrections to ensure compliance with this section.

G. Disconnecting Illegal Connections Upon Notice; Fee To Correct Downspouts:

1. Within ninety (90) days after written notice to the property owner by the public works department, public works director, of the presence of illegal connections, the property owner shall disconnect all illegal connections observed and discharges of extraneous flows into the sanitary sewer system, directly or indirectly, shall be discontinued.

~~2. At the request of the property owner, the village will furnish parts and labor to correct drainage from downspouts at homes and apartment buildings. The charge to the property owner for said parts and labor shall be the village's actual costs.~~

H. Authority To Make Tests And Inspections: In addition to visual inspection on the outside or the inside of the premises as indicated in subsection F of this section, the village may make other tests and inspections of the municipal sewer systems as it deems necessary in order to locate such illegal connections and sources of extraneous flows as may exist. The village, at its option, may also invoke other legal powers vested in it or implied by the statutes for the protection of the

health and welfare of the public, or institute such legal action as it deems necessary to discover and order the disconnections of any illegal connections that may exist.

I. Cost Share Program for Private Property Infiltration and Inflow Reduction Improvements:

The Village of Oak Lawn hereby establishes a Cost Share Program for Private Property Infiltration and Inflow Reduction and Improvements. The purpose of this program is to reduce the instantaneous impact, injurious results, and substantial contributions of extraneous flows to the Village's Sewer System and to promote the relative ease of correction, which may be undertaken by certain infiltration and inflow reduction improvements.

As such, the Village shall allocate certain funds annually, which the Village in its discretion may provide as a reimbursement to persons who apply and are approved for financial assistance in relation to performing infiltration and inflow reduction work at a person's residence which may include, but not be limited to, disconnection of downspouts from the public sewer system, disconnection of footing drain pumps from the public sewer system, and replacement or rehabilitation of defective sewer laterals.

1. Beginning on January 1, 2020, following the payment of an inspection fee, the Village will begin to make visual outside inspections of properties within the Village, with specific attention to downspouts, roof drains, and other visible or outside connections, and if requested by a property owner, the Village will enter into the premises to ascertain if illegal connections are present. Within five (5) days upon completion of a visual outside or inside inspection, the Village Public Works Director will advise the property owner in writing, through a summary of findings inspection report, if any illegal connections are observed and will advise on the manner of corrections for compliance with the provisions of this Ordinance. In addition, the Public Works Director will issue a Proof of Inspection Certificate to the property owner.

2. If there is a determination by the Public Works Director that an illegal connection exists at the premises, the Public Works Director will provide the property owner with a copy of this Ordinance and the Cost Share Program for Private Property Infiltration and Inflow Reduction Improvement ("Program") application materials. The Public Works Director and/or Village Manager shall review the application materials submitted by the property owner to determine if the property owner is eligible for the Program.

3. If the application of the property owner is approved, the Village and the property owner shall enter into a Program Agreement providing the terms and conditions whereby the Village and property owner are governed in relation to the Village providing certain reimbursable funds toward the completion of infiltration and inflow reduction work at the premises. The Village shall only provide funds pursuant to the Program Agreement following Post-Construction Verification shall include that the following documents be submitted to the Village:

a. A statement attesting to the completion of the infiltration and inflow reduction work and that all documents provided are true and accurate copies;
b. A complete list of contractors who performed any of the infiltration and inflow reduction work;
c. A scope of work and documentation of all repairs made in relation to the infiltration and inflow reduction work; and

d. A complete accounting of all costs associated with the infiltration and inflow reduction work; and

All infiltration and inflow reduction work shall meet current Village plumbing and building codes. In addition, the property owner shall agree to allow the Village to re-inspect the premises following the completion of the work.

4. The eligibility for cost reimbursements pursuant to this Ordinance will only be for monies spent towards infiltration and inflow reduction work related to the Village's Sewer System. As such, monies paid for private property improvements, building or structural improvements, property restoration, or landscaping will not be reimbursed through the Program. There shall be no valve-actuate connections between the Village's Sewer System and backyard discharge and footing drain disconnection must be physically and completely disconnected from the Village's Sewer System.

5. The Village's allocation of funds will be prioritized to houses in neighborhoods with higher measured infiltration and inflow volumes as documents in the Village's 2012 Sewer Master Plan. When the annual that are allocated pursuant to this Ordinance are depleted, the Village shall not issue any additional funds for that calendar year until the allocated funds are replenished. The total annual funds allocated to the Program shall be at the Village's discretion based upon the available budget. All costs reimbursed issued pursuant to this Ordinance shall be capped at $350,000.

J. Violations; Penalty: Failure on the part of the property owner to comply with the provisions of subsections A through E and G of this section shall be considered a violation which, upon conviction, shall be subject to a fine of not less than fifty dollars ($50.00) nor more than seven hundred fifty dollars ($750.00). Each day shall constitute a separate violation.

SECTION 3: Any person violating any of the restrictions or prohibitions set forth herein shall be subject to the penalties for such violations as prescribed by the Oak Lawn Village Code, as now existing or hereafter amended.

SECTION 4: Any policy, resolution or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 10th day of December, 2019.

AYES: TRUSTEES MALLO, STALKER, OLEJNICZAK, DESMOND, PHELAN AND VORDERER

NAYS: NONE

ABSENT: NONE

APPROVED THIS 10th day of December, 2019.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATE

I, JANE QUINLAN, Village Clerk of the Village of Oak Lawn, County of Cook and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 19-28-96 "AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 9 OF THE OAK LAWN MUNICIPAL CODE PERTAINING TO EXTRANEOUS FLOWS IN THE VILLAGE'S SANITARY SEWER SYSTEM" which was adopted by the President and Board of Trustees of the Village of Oak Lawn on this 10th day of December, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Oak Lawn this 10th day of December, 2019.

VILLAGE OF OAK LAWN
CORPORATE
SEAL
COOK COUNTY, ILLINOIS

Jane M. Quinlan MMC
JANE QUINLAN, VILLAGE CLERK