

AN ORDINANCE CONCERNING CONNECTIONS TO THE CITY'S WATER, STORM, AND SANITARY SEWER UTILITIES

WHEREAS, the City of Rolling Meadows, as a home rule unit of local government as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City operates public domestic water, storm, and sanitary sewer utilities for public benefit ("**City Utilities**"), and Chapter 110 of the Rolling Meadows Municipal Code regulates the administration and use of these utilities; and

WHEREAS, the City is not obligated to maintain, and does not maintain any component of these utilities located on privately owned property (collectively, "**Private Utilities**") unless they are located within dedicated public easements and have been accepted by official action of the City; and

WHEREAS, some private developments within the City were designed to rely upon Private Utilities such as, without limitation, privately maintained domestic water mains; hydrants; collecting, interceptor, and lateral sewers (both storm and sanitary); lift stations; and stormwater retention and detention facilities, control structures, and above- and below-ground green infrastructure improvements; and

WHEREAS, the Metropolitan Water Reclamation District of Greater Chicago requires, through its Watershed Management Ordinance, that new sewer connections to a Private Utility be accompanied by a recorded maintenance agreement between all owners; and

WHEREAS, for those developments in the City that connect to City Utilities indirectly through Private Utilities, the City desires to further ensure that (i) owners are aware of their maintenance obligations and (ii) that the City has the authority, but not the responsibility, to correct nuisances or emergencies arising from the operation and maintenance of Private Utilities; and

WHEREAS, from time to time, under its statutory and home rule authority, the City establishes special connection charges or private recapture fees (collectively, "**New Infrastructure Recovery Fees**") to allow, respectively, the City and private developers to recover from benefitted properties the cost of public improvements to extend City Utility service; and

WHEREAS, the City additionally desires to clarify in the Municipal Code that New Infrastructure Recovery Fees are in addition to the City's generally applicable charges for connections to City Utilities; and

WHEREAS, the City additionally desires to clarify in the Municipal Code the rights that the City has to access and shut-off connections to City Utilities for violations of the Municipal Code, including non-payment; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have therefore determined that it is in the best interest of the City and its residents to amend the Municipal Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Article I, entitled "In General," of Chapter 110, entitled "Utilities," of the Rolling Meadows Municipal Code is hereby amended to create a new Section 110-1 as follows [additions are **bold and double-underlined**; deletions are ~~struck through~~]:

"Sec. 110-1 Maintenance and repair of private utility systems.

(a) For the purposes of this Section, the City Utility System means the City's waterworks and sewerage system as defined in 65 ILCS 5/11-139-1 which is owned and operated by the City or is within a dedicated easement or public right-of-way. A Private Utility System means any part of a waterworks and sewerage system, as defined in 65 ILCS 5/11-139-1, that is located on private property, and is not within a dedicated public easement, and/or has not been accepted by formal action of the City.

(b) Wherever any connection is made or replaced that connects indirectly to the City Utility System through a Private Utility System, the owner of the connecting/connected property will be required to provide to the City, for recording in the Cook County Clerk's office and in a form acceptable to the City Attorney, a written agreement running with the property providing substantially that:

- (1) The Owner, and not the City, is responsible for the proper and perpetual maintenance of the Private Utility System, at no expense to the City;
- (2) The City has the right, but not the responsibility, to enter upon the subject property to correct nuisances, restore service anywhere in the City Utility System, or to address emergencies arising from failure to maintain the Private Utility System, and to lien the reasonable costs of doing so against the subject property; and,
- (3) The Owner will hold the City harmless from any claims and damages resulting from interruptions in service arising from the City's performance of any work on the Private Utility System, and any other claims and damages arising out of the agreement and ownership of the Private Utility System."

Section 3: Paragraph (a) of Section 110-248, entitled "Discontinuing service for nonpayment or violation," of Division 2, entitled "Administration," of Article IV, entitled "Water," of Chapter 110, entitled "Utilities," of the Rolling Meadows Municipal Code is hereby amended to read as follows [additions are **bold and double-underlined**; deletions are struck through]:

- (a) For a violation of any of the sections of this article or for the nonpayment of water bills for a period of 20 days, and for accounts with a past due amount greater than \$250.00 for a period greater than 10 days after the bill is due, the director of public works, or their designee, has the right to **enter onto public or private property to** turn off the water and to forfeit any payments made. Individuals or businesses owing the city money under this section shall **be**

provided notice of the potential shut-off and have the right to a hearing with the city manager, or their designee, prior to water shut-off, who shall have the authority to make a final determination regarding water shut-off or negotiate payment terms. After the water has been turned off from any service pipe because of nonpayment of water bills or a violation of rules, the water will not be turned on until a current deposit is paid according to section 110-239, all delinquent bills and penalties are paid, together with any cost incurred by the city incident to the collection of the delinquent bill, including but not limited to charges for checks drawn against insufficient funds and certified letter costs, together with the labor cost for turning the water on and off, which shall not be less than \$5.00. No water will be furnished to any person who is indebted to the city because of a required deposit, water consumed, materials or repair.

Section 4: Section VI, entitled "Building and construction fees," of Appendix B, entitled "Schedule of Rates, Fees, Fines and Penalties" of the Rolling Meadows Municipal Code is hereby amended by adding a new paragraph j. to subsection A.24. to read as follows [additions are **bold and double-underlined**; deletions are ~~struck-through~~]:

"24. *Water connection fees:*

[...]

i. The various fees provided herein are in addition to any property-specific fee payable to the City or a private developer to recover the cost of public improvements to extend utility service. [...]

Section 5: Section VI, entitled "Building and construction fees," of Appendix B, entitled "Schedule of Rates, Fees, Fines and Penalties" of the Rolling Meadows Municipal Code is hereby amended by adding a new paragraph (1)g. to subsection A.26 to read as follows [additions are **bold and double-underlined**; deletions are ~~struck-through~~]:

26. *Sanitary sewer connection fees:* The fee for the installation, alteration or extension of a sewer system shall be:

(1) Fee for sanitary sewer service connections are as follows:

[...]

g. The various fees provided herein are in addition to any property-specific fee payable to the City or a private developer to recover the cost of public improvements to extend utility service. [...]

Section 6: If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

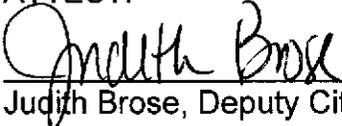
Section 7: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 28th day of May, 2024.

AYES: Budmats, O'Brien, Boucher, Reyez, Koehler, McHale
NAYS: 0
ABSENT: Vinezeano

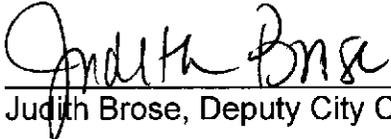


Lara Sanoica, Mayor

ATTEST:


Judith Brose, Deputy City Clerk

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Judith Brose, Deputy City Clerk