

ORDINANCE NO. 511
ORDINANCE ESTABLISHING A COST REIMBURSEMENT
PROGRAM FOR THE INSTALLATION OF OVERHEAD
SEWERS OR BACKFLOW PREVENTION DEVICES

WHEREAS, Wheaton Sanitary District had a cost reimbursement program initiated with Ordinance No. 423; and

WHEREAS, the Wheaton 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 WHEATON SANITARY DISTRICT:

That a cost reimbursement program for the installation of overhead sewers or backflow prevention devices is hereby established in accordance with the following requirements:

- 1) The District will reimburse an Owner up to \$4,000 or 50% of the cost, whichever is less, of installing a District approved overhead sewer system or backflow prevention device.
- 2) The program applies to all buildings connected, outside of the corporate limits of the City of Wheaton, to the Wheaton Sanitary District collection system and constructed prior to July 17, 1996.
- 3) The program shall apply to installations of overhead sewers or backflow prevention devices made on or after the effective date of this Ordinance and shall also apply to installations made from July 17, 1996, to date of approval 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) 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.

- 6) 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.
- 7) 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 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 ensure that all infiltration and inflow into the District sanitary sewer system has been eliminated.
- 8) The District shall develop, subject to approval of the Board of Trustees, program requirements necessary to implement the program.
- 9) The District shall review all applications for participation, including the proposals for installation, and may require revisions thereon to comply with applicable District ordinances and requirements.
- 10) 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 shall be made to the Board of Trustees as the final authority.
- 11) 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 **WHEATON SANITARY DISTRICT**

President, Board of Trustees
Wheaton Sanitary District

S/Jeffrey R. Walker
ATTEST:

Clerk, Board of Trustees
Wheaton Sanitary District

S/Robert A. Hesterman

Dated: 04/08/2009

**WHEATON SANITARY DISTRICT
COST REIMBURSEMENT PROGRAM
FOR THE INSTALLATION OF OVERHEAD SEWERS
OR BACKFLOW PREVENT DEVICES**

PROGRAM REQUIREMENTS

The District will provide funds to building owners who have or may experience sanitary sewer backups during periods of heavy rainfall for the installation of overhead sewers or backflow prevention devices.

The District has determined that certain requirements for the 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.

A cost reimbursement program for the installation of overhead sewers or backflow prevention devices is hereby implemented 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, of installing a District approved overhead sewer system or backflow prevention device.
- 2) The Program applies to all buildings, outside of the corporate limits of the City of Wheaton, connected to the Wheaton Sanitary District collection system and constructed prior to July 17, 1996.
- 3) The Program shall apply to installation of overhead sewers or backflow prevention devices made on or after July 17, 1996.
- 4) Financial participation of the District is limited to funds budgeted for the Program. Said funding level may be changed or eliminated based on the District's annual review of the Program.
- 5) Application 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. 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 shall constitute adequate documentation of a sanitary sewer backup.
 - b) Second priority:
 1. Any building which has the potential to experience sanitary sewer backups as a result of an 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 preventive measure.
 2. A building for which the overhead sewer or backflow prevention

device was installed from July 17, 1996, to the date of approval of this policy.

3. At least one reimbursement has been made for the building and the application is a second or succeeding request for reimbursement for the same building.

Between May 1 and February 28 of each fiscal year, applications from the first priority group will be funded on a first come, first served basis within available budget limitations. If budget funds remain, on March 1, application from both priority groups will be funded between March 1 and April 30 of each fiscal year on a first come, first served basis within available budget limitations. Applications not funded in a fiscal year will be carried over to the next fiscal year and funded in accordance with the above procedures.

- 6) An Owner desiring to participate in this Program must complete the following steps:
 - a) Complete and sign Application for Participation.
 - b) District inspects the building and issues a notice of eligibility or non-eligibility to the Owner. Said notice may include the sources or potential sources of infiltration and inflow which must be removed as a requirement of this Program.
 - c) Upon receipt of a notice of eligibility from the District, the Owner obtains proposals from contractors as described in Item 13. If the Owner does not submit all of the required information within six (6) months of the date of the notice of eligibility, the Owner must resubmit an Application for Participation form and such application will be treated as a new application for determination of funding eligibility.
 - d) District reviews proposals, provides Owner with preliminary approval and provides agreement for Owner signature. Owner must return signed agreement and signed proposal with selected contractor within thirty (30) days of the date of the preliminary approval.
 - e) Owner and contractor obtain all permits and complete the work.
 - f) Upon completion of the work, premises are inspected by the District and the appropriate building authority. Upon approval by the District and the appropriate building authority, acceptance by the Owner, and submission of a paid receipt from the contractor to the Owner, reimbursement will be made directly to the Owner. (The Owner is also encouraged to obtain an appropriate waiver of lien from the contractor for the Owner's protection.) Said reimbursement will be made in the District's normal course of business.
- 7) Owners of the building where the overhead sewer or backflow prevention device is installed must execute an agreement which includes a clause whereby the Owners release and waive any claim of liability against the District from any previous sanitary sewer backups or any consequence of the selection of the system to be installed, the 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.

If a backflow prevention device is installed, the District will record a memorandum of the agreement against the property. Said memorandum shall serve as notice that a backflow prevention device has been installed on the property which requires maintenance for proper operation.

- 8) 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.
- 9) An Owner shall be eligible for participation more than once for the same property. However, in no case, shall the total reimbursement from the District for any one property exceed the limits prescribed in Paragraph 1 above.
- 10) The Program will be evaluated from time to time in the District's discretion and the District may change or eliminate the Program.
- 11) The Owner must allow the District to inspect the building prior to the District's determination of eligibility for this Program. This inspection may include a television inspection of all underground waste piping and of the entire service lateral pipe from the building to the point of connection to the District sewer, and it may also include rainfall simulation testing. All sources and potential sources of infiltration and inflow must be eliminated as part of this Program at the Owner's sole cost. Infiltration and inflow includes any storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas, cistern overflow or water from air-conditions systems, industrial cooling operations or any other unpolluted water. If no sump pump for collecting and removing ground water is present in the building, one must be installed and any existing footing tiles, window well drains, and exterior area drains must be reconnected to the new storm water sump pump. The discharge of the new storm water sump pump should either be to a storm sewer or to grade on the exterior of the building, as far from the building sanitary sewer lateral as possible. The costs of the installation of this storm water sump pump, as well as incidental under floor connections to existing footing tiles or drains, are eligible for reimbursement under this Program. The installation of a footing tile drainage system around the entire basement and extensive reconstruction of the service lateral are not eligible for reimbursement under this Program.
- 12) The Program is limited to the actual cost of the overhead sewer or backflow prevention device installation and the installation of a sump pump as required by Item 11 above, subject to the funding limitations contained herein, but does not include incidental costs such as landscape restoration, painting, tile carpeting, etc.
- 13) The Owner must provide the District with proposals from a minimum of two contractors for the type of backup prevention selected by the Owner prior to authorizing the work. If the desired backup prevention is not an overhead sewer, a proposal for an overhead sewer conversion must also be submitted. An overhead sewer does not rely upon a backflow valve or device and is believed to be the best backup prevention method. All proposals must provide sufficient detail for the District to determine the exact method of installation, the costs for

labor and materials, the portion of the work not eligible for this Program under Items 11 and 12 above, and compliance with all District ordinances. The District's participation in the funding will be based on the lowest cost proposal.

- 14) The Owner must obtain a no-charge District sewer permit for the work and must obtain a permit, at the Owner's expense, from the appropriate building authority (i.e. municipality or county), if required. After issuance of the permits, any changes or modifications to the work will require review and approval of the District and the appropriate building authority.
- 15) The contractor hired by the Owner to perform the work must be bonded with the District, and the appropriate building authority, if required.
- 16) The District is not a party to any contract between the Owner and the contractor.
- 17) To be eligible for this Program, the installation of an overhead sewer shall meet the following requirements.
 - a. Overhead sanitary sewers must be provided to all floor levels that are less than one foot (1') above the elevation of the rim of the District manhole immediately upstream of the point of connection of said building into the District sanitary sewer system. Plumbing fixtures on a building floor level below an overhead sewer shall drain into an ejector pit. The elevations described above shall be included in the contractor's proposal.
 - b. A properly vented ejector basin shall be installed for all installations under this Program. Ejector basins must comply with all District and appropriate building authority requirements and shall be a minimum size of 18 inches wide by 36 inches deep (18" x 36"). Ejector basins must be at least ten feet (10') from any storm water sump pits. Ejector basins approved for use include: Jackal Basin, A. K. Industries (Inside Hub, Poly Basin, Part #PB18X36FI), and Fiber basin.
 - c. The capacity of the ejector pump must be specified in the contractor's proposal. The smallest capacity pump suitable for the proposed installation must be specified.
 - d. Connections to the proposed ejector pump must be specifically listed on the contractor's proposal and all such connections shall be for the disposal of sanitary wastes only.
 - e. A sketch indicating the proposed work must be included with each proposal.
 - f. The District shall have the right to enter the building for inspection upon completion of the work and to impose penalties if the capacity of the ejector pump exceeds the capacity allowed by Item c above. All such penalties shall be imposed in accordance with District ordinances prescribing penalties for ordinance violations as may be in effect at the time the violation of this section is discovered.
- 18) All work under this Program must comply with District and applicable municipal or county ordinances, codes and requirements. In the event of any

conflict between the District and municipal or county ordinances, codes or requirements, the District shall prevail.

- 19) The Owner may elect to proceed with the work even though funding is not available. Reimbursement will be made when budgeted funds become available in accordance with this Program. Such installations must comply with all requirements of this Program to be eligible for future reimbursement.
- 20) The District may provide a waiver of those Program requirements listed above which deems appropriate based on his evaluation of the individual circumstances related to a request for reimbursement.
- 21) The District shall have the sole authority to determine eligibility for participation, prioritization of requests and compliance with all District ordinances.

Summary of Time Frames Required by Program Requirements

- 1) District receives properly completed Application for Participation.
- 2) District inspects the building and issues a Notice of Eligibility or Non-Eligibility to the Owner.
- 3) If Owner receives Notice of Eligibility, Owner has six (6) months from the date of the Notice to submit all required information. The Notice of Eligibility shall identify all sources of infiltration and inflow which must be eliminated at the Owner's expense.
- 4) Upon receipt of all required information, District reviews and issues preliminary approval and provides Agreement for Cost Reimbursement Program for Owner signature. Owner must return signed Agreement and signed proposal for installation of the backflow prevent device and repair of infiltration and inflow sources identified in the Notice of Eligibility with selected contractor within thirty (30) days of the date of the preliminary approval.
- 5) Upon submittal to the District of the signed Agreement and signed proposal with selected contractor, Owner and contractor must obtain all permits, complete the work, request inspection by the District and the building authority, and submit paid receipt within six (6) months of the date of the preliminary approval.
- 6) If Owner fails to comply within any of the allotted time frames detailed above, funding priority ceases and Owner must submit new Application for Participation and such application will be treated as a new application for determination of funding eligibility.

**APPLICATION FOR PARTICIPATION IN WHEATON SANITARY DISTRICT
COST REIMBURSEMENT PROGRAM
FOR THE INSTALLATION OF OVERHEAD SEWERS
OR BACKFLOW PREVENTION DEVICES**

I/We hereby request participation in the Wheaton Sanitary District Cost Reimbursement Program for the Installation of Overhead Sewers or Backflow Prevention Devices, hereinafter called "the Program".

I/We own, and this application is for, the following described property:

Address: _____

Legal Description: _____

P.I.N.: _____

I/We have received a copy of the Program Requirements attached to and made a part of this application.

I/We agree to allow the Wheaton Sanitary District or its representatives to make any and all inspections and testing as detailed in the Program Requirements.

I/We have received a copy of the Agreement for Cost Reimbursement Program and understand that said Agreement must be signed upon notice of preliminary approval as detailed in the Program Requirements.

Dated this _____ day of _____, _____.

Printed Name

Signature

Printed Name

Signature

Phone Number

Mailing Address

**AGREEMENT FOR COST REIMBURSEMENT PROGRAM
FOR THE INSTALLATION OF OVERHEAD SEWERS OR
BACKFLOW PREVENTION DEVICES**

This Agreement is made this _____ day of _____, _____, by and between the Wheaton Sanitary District (“District”) and _____ (“Owners”) of the premises located at:

Address: _____

Legal Description: _____

P.I.N. _____

(You may obtain the legal description and P.I.N. – Permanent Index Number – for your property from your real estate tax bill.)

Whereas, the District has a cost reimbursement program for the installation of overhead sewers or backflow prevention devices (“Program”); and

Whereas, Owners desire to participate in the Program,

Now, Therefore, in consideration of the mutual covenants contained herein, the District and the Owner hereby agree to the following terms and conditions:

- 1) Owners have read and understand the program requirements attached to and made a part of this Agreement.
- 2) Upon compliance of Owners with all terms and conditions as stated in the Program information, the District will provide a reimbursement to the Owners as allowed by this Program.
- 3) Owners release and discharge the Wheaton Sanitary District, its Trustees, Officers, Employees, Engineers and Agents, and agree to indemnify them and hold them harmless from and against all liability, damage, loss, claims, demands and actions of any nature whatsoever resulting from, arising out of, or relating in any way to sanitary sewer backups or participation in this Cost Reimbursement Program.

- 4) Owners state that they are the Owners of the premises listed above, that they have read and understand this Agreement, and that they have signed this Agreement as their free and voluntary act.

WHEATON SANITARY DISTRICT

Owner(s)

Signature

Title