

Village of McLean

Ordinance#

22-08-01

**An Ordinance to Provide Amendments Relating to
Discharging of Sump Pumps and Perimeter Tiles
into Sanitary Sewers**

Adopted by the Village Board
Of the
Village of McLean

Published in pamphlet form by authority of the Village of McLean, McLean

County, Illinois this 2nd day of August, 2022.

ORDINANCE NO 22-08-01

AN ORDINANCE AMENDING THE VILLAGE OF MCLEAN MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 96-5-A OF THE VILLAGE OF MCLEAN TO PROVIDE AMENDMENTS RELATING TO DISCHARGING OF SUMP PUMPS AND PERIMETER TILES INTO SANITARY SEWERS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MCLEAN:

SECTION 1: §50.10 of the Village Code of the Village of McLean is hereby amended by adding the following sentence at the end of §50.10(A), which is as follows: “Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.”

SECTION 2: The Village of Code of the Village of McLean is hereby amended by adding a new chapter which as follows:

CHAPTER 53: DISCHARGING OF SUMP PUMPS AND PERIMETER TILES

§53.01 Purpose.

This ordinance is adopted to set forth the procedures, including incentives, that will be used to enforce the provisions of §50.10 of the McLean Village Code, which provides as follows: “Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.”

§53.02 Inspection Authorization.

The Village of McLean, or one or more of its designees, are authorized and directed to cause an inspection of the plumbing fixtures and facilities, downspouts, sump pumps, building drains, building sewers, yard drains, area drains, and building or lot storm water, surface water, or ground water drainage devices located on or used by premises located in the Village of McLean, in an effort to locate conditions which would permit storm water, surface water, or ground water to enter directly or indirectly the public sanitary sewer. In certain cases, an inspection may require more than one entry to the premises.

The Village shall develop a plan to inspect premises in those areas that have experienced surcharging and those areas that may contribute to surcharging and shall implement said plan as soon as reasonably practical.

§53.03 Testing Procedures.

The Village of McLean, or one or more of its designees, are authorized and directed to cause "smoke tests", "dye tests", "TV monitor tests", or any combination of such tests to be

conducted within any "area subject to surcharging and any area that may contribute to surcharging" in order to locate conditions which would permit storm water, surface water, or ground water to enter a building sanitary drain, building sanitary sewer, or public sanitary sewer, or if the exact location of such conditions cannot be determined, to at least determine if, during such tests, water or dye placed in or on any such premises or in any storm water collection or diversion device located on such premises, reaches the public sanitary sewer or if smoke pumped into the public sanitary sewer emerges from locations on private property.

The aforesaid testing shall be paid for by the Village of McLean, provided the owner and occupant of the premises have provided access for and consented to the inspection of the premises as provided in §53.05 of this Chapter. Notwithstanding any other provisions of this ordinance, in those cases where an owner resides in the premises, and there is more than one owner, the consent of one owner only is sufficient, and the consent of any other occupant is not needed.

Each owner and occupant of a premises shall provide access in the premises to allow the inspection. Access for the purposes of this ordinance is providing a cleanout as defined in Section 890.420 (2004) and in Section 890.430 (1998) of 77 Illinois Administrative Code Chapter I, Subchapter r as now in effect or as may from time to time be amended. The owner and/or occupant must also remove any obstructions that prevent access to a cleanout.

If upon first inspection the Village of McLean determines that the owner and/or occupant does not have a proper cleanout (or it is obstructed), then the owner and/or occupant shall within thirty (30) days thereafter install a proper cleanout (or remove the obstruction) and allow the Village of McLean to accomplish the inspection.

In the event the owner and occupant of a premises do not consent to the inspection as provided in §53.05 of this Chapter, or provide access as defined in this Section, then the owner shall reimburse the Village of McLean for the cost of testing. The cost of said testing is determined to be five hundred dollars (\$500.00) and said amount shall be paid to the Village of McLean within thirty (30) days of the date the Village performed the testing. The payment of this cost shall not relieve the owner of a premises of the responsibility of otherwise complying with all of the terms of this ordinance.

§53.04 Court Action.

If the Village of McLean is unable to secure the consent of the owner or occupant of the premises to conduct the inspection described in §53.02 of this Chapter (including the providing of proper access) then the village attorney for the Village of McLean is hereby authorized and directed to seek judicial authorization for the Village to enter the premises and conduct the inspection. In such action, corporation counsel may also seek reimbursement for the cost of testing.

§53.05 Procedure to Secure Authorization.

The Village of McLean, or one or more of its designees, shall notify the owner and occupant of

a premises that the Village of McLean desires to inspect the premises for the purposes set forth in this ordinance. If an owner resides in the premises, then notice need be given only to one owner and need not be given to any other occupant.

Notification shall be by personal contact or by written notice sent by first class mail. In those cases where an owner does not reside in the premises, the owner shall be notified by first class mail. If there is more than one owner of a premises, notice may be given to one owner only, and it shall be deemed to be constructive notice to all other owners.

Refusal to allow inspection shall be deemed to have occurred in the following events:

- a. A verbal statement denying access for inspection made by an owner or occupant of the premises (in those cases where an owner does not reside in the premises) to the Village employee requesting such inspection;
- b. In those cases where the Village has been unable to contact an owner and the occupant (in those cases where an owner does not reside in the premises) in person, then if there is no response to the written notice by the owner and occupant (in those cases where an owner does not reside in the premises) within thirty (30) days of the date the Village has mailed the written notice, allowing the Village of McLean to make the inspection within said thirty (30) day period, refusal shall be deemed to have occurred. Refusal means that the owner and occupant (in those cases where an owner does not reside in the premises) have not permitted inspection within said thirty (30) day period.

§53.06 Notification of Action Required.

After the Village has inspected the premises, either by voluntary consent or pursuant to authorization received by court, the Village shall notify the owner by written notice sent by first class mail if there is any violation of the McLean Village Code.

The owner shall have the following periods to correct any violation:

- a. If a sump pump is hooked into the sanitary sewer, it shall be unhooked within ten (10) days of such notice.
- b. If a perimeter tile (or more than one) is hooked into the sanitary sewer, then all of such tiles shall be disconnected within one (1) year of the date of such notice. If the disconnect date falls in the months of March, April, or May, the effective date shall be May 31 of the same year.

§53.07 No Extensions.

The time limits set forth in §53.06 of this Chapter are deemed to be critical to the procedures set forth herein, and to the orderly elimination of the problems cited herein. Therefore, no extensions to the time limits will be allowed, and failure to comply with same shall cause an owner to lose the grant referred to in §53.08 of this Chapter, and to be subject to the penalties and other actions set forth in §53.11, §53.12, and §53.13 of this Chapter.

§53.08 Grant Incentive.

The owner of a premises shall be eligible to receive a grant of the lesser of five hundred dollars (\$500.00) or the reasonable costs of unhooking the perimeter tile from the sanitary sewer, if all of the following conditions are met:

- a. An owner and the occupant (in those cases where an owner does not reside in the premises) have provided access as defined in §53.03 of this Chapter.
- b. An owner and the occupant (in those cases where an owner does not reside in the premises) have voluntarily consented to and allowed an inspection of the premises within the time frame set forth in §53.05 of this Chapter.
- c. The owner has disconnected the perimeter tile within the time limits prescribed in §53.06 of this Chapter. (There is no grant incentive for disconnecting a sump pump.)

With respect to the requirement of disconnecting perimeter tiles, all such work shall be done in accordance with all other ordinances of the Village of McLean. The owner and occupant (in those cases where an owner does not reside in the premises) shall allow the Village of McLean to inspect all work to ensure that it has been done in conformity with all ordinances. There shall be no grant incentive for rerouting or installing new gutter systems.

§53.09 Grant Incentive – Repairs Only.

The owner shall also be eligible for a grant of the lesser of five hundred dollars (\$500.00) or the costs of repairing a sewer lateral provided the following conditions have been met:

- a. The owner and occupant (in those cases where an owner does not reside in the premises) have complied with all applicable provisions of the McLean Village Code.
- b. The problem with the sewer lateral was discovered pursuant to one of the testing procedures set forth in the McLean Village Code.
- c. The owner repairs the sewer lateral in a manner satisfactory to the Village of McLean with the repair to be accomplished within one (1) year of the date of the test.
- d. The owner shall provide satisfactory proof to the Village of McLean of the costs of the repair.

§53.10 Ineligibility For Grant.

An owner shall be ineligible to receive a grant if he or she or the occupant (in those cases where an owner does not reside in the premises) have done any of the following:

- a. Failed to provide access or remove any obstruction to access as defined in §53.03 of this Chapter.
- b. Failed to consent and allow inspection of the premises within the time period set forth in §53.05 of this Chapter. Failure to allow inspection includes withholding of

consent by an occupant of the premises in those cases where an owner does not reside in the premises.

- c. Failed to complete all corrective action within the time period set forth in §53.06 of this Chapter.
- d. Failed to comply with any other provisions of this ordinance.

§53.11 Monetary Penalty For Violation.

Any person who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than two-hundred fifty dollars (\$250.00) nor more than seven-hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Ordinance shall continue.

§53.12 Service Disconnection.

In the event an owner and an occupant (in those cases where an owner does not reside in the premises) refuse to agree to the inspection of the premises, or otherwise fail to comply with any of the provisions of this Ordinance, then the Village of McLean shall have the right to terminate the sewer service to the premises. In the event the Village elects to terminate the sewer service, the procedures set forth in this Code shall apply.

§53.13 Judicial Enforcement.

In addition to any other remedies the Village of McLean has, it may elect to obtain an order from a court of competent jurisdiction requiring an owner to comply with the provisions of this ordinance.

§53.14 Election of Remedies.

Any of the provisions of §53.11, §53.12, and §53.13 of this Chapter may be used by the Village of McLean, and they are not mutually exclusive.

§53.15 Owner Responsibility For Tenant.

In certain cases the occupant of a premises will not be the owner of the premises. Notice of actions required by this ordinance will be given to the owner of the premises. It shall be the responsibility of the owner to secure the consent and cooperation of all occupants for all procedures required by this ordinance, and if the owner does not or is unable to secure for any reason whatsoever the consent and cooperation of all occupants of a premises as to any procedure, then the owner shall be subject to all remedies provided for in this ordinance, and

shall be responsible for the payment of all testing costs.

Owner is used in the singular in this ordinance. Where there is more than one owner of a premises, notice need be given to only one owner, and consent may be obtained from one owner only. Occupant is used in the singular in this ordinance. Notice or consent need be given to or obtained from only one occupant in those cases where an owner does not reside in the premises. (This is in addition to the notice and consent required by an owner.)

§53.16 Severability Clause.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof, it is hereby declared to be the legislative intent of the Board of Trustees that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

SECTION 3: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 4: This Ordinance shall take effect 10 days after publication thereof as provided by law.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of McLean at a duly held meeting on the 1st day of AUGUST, 2022.

APPROVED:



President of the Board of Trustees of the Village of McLean

ATTEST:


Village Clerk

AYES: 5
NAYS: 0
ABSENT: 1

STATE OF ILLINOIS)

) SS

COUNTY OF MCLEAN)

PUBLICATION CERTIFICATE

I, the undersigned Village Clerk, certify that I am the duly elected and acting Village Clerk of the Village of McLean, McLean County, Illinois.

I further certify that on **Monday, August 1, 2022**, the Board of Trustees of such municipality passed and approved **Ordinance No. 22-08-01**, entitled:

An Ordinance to Provide Amendments Relating to Discharging of Sump Pumps and Perimeter Tiles into Sanitary Sewers

Board of Trustees of the Village of McLean previously adopted a Resolution that authorized all Village Ordinances to be published in pamphlet form.

The pamphlet form of Ordinance No. **22-08-01**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on 2nd of Aug, **2022** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at McLean, Illinois, this 2nd day of **August, 2022**.


Village Clerk

(SEAL)