

ORDINANCE NO 12
Enacted March 2004

**AN ORDINANCE TO ESTABLISH RULES, FEES AND REGULATIONS FOR THE
OPERATION OF BLOOMINGTON TOWNSHIP PUBLIC WATER DISTRICT**

BE IT ORDAINED by the Board of Trustees, BLOOMINGTON TOWNSHIP PUBLIC WATER DISTRICT, AS FOLLOWS:

SECTION 1. Application for Services:

Water service or water and sanitary sewer service shall be furnished only to DISTRICT users upon filing an application and water user agreement with the Secretary of the DISTRICT upon a form to be supplied by the DISTRICT and payment of appropriate fees.

The Bloomington and Normal Water Reclamation District (B.N.W.R.D.) shall be considered a third-party beneficiary of the relationship between the Bloomington Township Public Water District (Water District) and any users/customers of Water District.

SECTION 2. Initial and Water and Sanitary Sewer User Charges:

- A. The rates as shown in Ordinance No. 15, Ordinance to Establish the Specific Rates and Effective Dates for the Bloomington Township Public Water DISTRICT, as in effect from time to time, shall be paid by each customer, who has signed an Application for Water Service or Water And Sanitary Sewer Service Contract, beginning at the time the DISTRICT makes the services available to the customer.
- B. The tap-on fee (only applicable if water service line or water and sanitary sewer service lines is/are not already provided to the approximate property line) for 1 inch water service, or, for 1 inch water service and 6 inch sanitary sewer services, shall be as outlined in Ordinance No. 11, an Ordinance to Establish the Specific Rates and Effective Dates for the Bloomington Township Public Water DISTRICT, as in effect from time to time.
- C. Where water service or, water and sanitary sewer service has been provided to the approximate property line (as outlined in Section 3), the tap-on fee for services shall be waived. However, a service connection fee shall be charged to each new user (as outlined in Section 4), with the charges set by Ordinance No. 11, an Ordinance to Establish the Specific Rates and Effective Dates for the Bloomington Township Public Water DISTRICT, as in effect from time to time.
- D. For Water service and/or meters larger than 1 inch the tap-on fee will be the actual cost of installing the meter connections, service pipe, and appurtenances. In addition to the above charges a reasonable deposit shall be made by the user to guarantee payment of water bills. The deposit shall be returned to user without interest upon termination of water service and all accounts of that user being paid.

- E. For sanitary sewer extensions that serve any tract(s) of land that will be divided into two or more lots, and these tracts are not presently included as part of a standing agreement between certain developers and the Water District, a separate fee shall be calculated and assessed by the District for reimbursement to these certain developers in accordance with the District's agreement with these developers. This agreement will expire 10 years after the B.N.W.R.D. southeast sewage treatment becomes operational.

SECTION 3. Extension of Sanitary Sewer and/or Water Mains:

- A. Initial Application: Individuals or developers may request a sanitary sewer and/or water main extension from Bloomington Township Public Water District ("DISTRICT").

Properties to be served shall be located within the Water District limits and in areas not presently served by the City of Bloomington. Properties outside the Water District limits shall be annexed into the DISTRICT by property owners desiring service in accordance with the Public Water District Act 70 ILCS 3705/.

Properties served by sanitary sewer shall also conform to the following Bloomington and Normal Water Reclamation District (B.N.W.R.D.) regulations by property owners desiring sanitary sewer, and pay the appropriate fees.

1. Properties outside the B.N.W.R.D. Facilities Planning Area (FPA) will need to be brought within FPA by applicants.
2. Properties outside B.N.W.R.D. corporate limits, but contiguous to it, will need to be annexed into B.N.W.R.D.'s jurisdiction by applicants. Properties outside of B.N.W.R.D. corporate limits, and not contiguous to it, will need to execute an appropriate Pre-Annexation Agreement with B.N.W.R.D. to establish liability for a billing surcharge amount approximating the property taxes allocable to B.N.W.R.D., if the property was contiguous and able to be annexed.
3. The District shall collect the B.N.W.R.D. service connection permit fee for one or two residential services and reimburse the B.N.W.R.D.
4. Non-residential properties and residential properties in excess of two (2) living units shall apply directly to B.N.W.R.D. for a service connection permit.

Properties to be served by sanitary sewer shall also be within the Water District limits for sanitary sewer service and in areas not presently served by the City of Bloomington.

Properties to be served by sanitary sewer shall also be water service customers of the DISTRICT when sanitary sewer service becomes available, and billing for all service(s) commences.

Any non-residential properties to be served by water shall first seek approval from the City of Bloomington in accordance with the Water District's Water

Purchase Agreement with the City of Bloomington prior to becoming a water customer of the Water District.

Properties (within the unincorporated area(s) of Bloomington or Normal) served by water or water and sanitary sewer shall also comply with Bloomington or Normal subdivision codes, if requested, all in accordance with the McLean County Subdivision Code.

The person, persons, or developer ("PROPOSER") requesting said extension(s) shall provide DISTRICT with:

1. Appropriate preliminary engineering plans for the extension(s) in accordance with the latest revisions of the McLean County Subdivision Ordinance;
2. Financial cost data, including a written cost estimate by an engineer, for the extension(s);
3. A supplemental section setting forth the number of property owners who have orally committed to become users, the number of potential existing property owners who could tap-on to the line(s) after construction, and PROPOSER's estimate of additional potential users within five years of completion of the construction of the extension(s).
4. The wastewater treatment method to be utilized in accordance with the McLean County Subdivision Ordinance and/or Health Department regulations.

The DISTRICT shall review the request and consider if it could be an appropriate extension(s) for the DISTRICT.

B. Property Owner Memorandum:

If the project is deemed an appropriate extension, PROPOSER shall summarize the submitted data into a memorandum directed to each existing property owner who could become a user upon completion of construction, advising them of the proposed project and a fixed amount of capital costs ("Capital Costs"), that PROPOSER suggests is a reasonable contribution from existing property owners who could become a user. PROPOSER shall include a response card and request that the property owner advises PROPOSER within 30 days from receipt if the property owner will commit to payment of the suggested capital cost to receive sanitary sewer and/or water service. PROPOSER shall make a diligent effort to obtain a written response from each existing property owner as to whether they would like to receive sanitary sewer and/or water service in return for the suggested capital cost.

PROPOSER shall deliver to each existing property owner a copy of this Ordinance when it delivers the Property Owner Memorandum, to advise existing property owners of the additional costs of election to become a user after the initial period.

The capital cost per property owner shall not be greater than anticipated construction cost divided by the number of existing property owners who could become a user upon completion of the extension, plus the service connection

fees for the DISTRICT, as in effect from time to time. PROPOSER may subsidize the cost by paying a disproportionate portion of the total cost of construction, capital cost, if PROPOSER so desires, and shall be bound by PROPOSER's listed capital cost contribution.

C. Final Determination:

PROPOSER shall provide DISTRICT with a summary of the responses (including property owners not responding) and copies of all response cards received. The DISTRICT shall review the results of the mailing and make a final determination as to whether to approve the extension project(s).

D. PROPOSER Development:

PROPOSER shall provide DISTRICT Engineer with final construction drawings, plans, specifications, Bloomington and Normal Water Reclamation District (B.N.W.R.D.) sign-off(s), [required for sanitary sewer extension(s)], and IEPA permits for inspection and approval prior to commencement of construction.

1. The DISTRICT must approve all plans and specifications for any extensions. All proposed extensions shall be designed, permitted and constructed in accordance with the DISTRICT's requirements and the latest edition of The Standard Specifications for Water and Sewer Main Construction in Illinois.
2. Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois Environmental Protection Agency, and required IEPA permits secured.
3. The DISTRICT shall conduct construction observation of the extensions during installation, pressure testing, etc., and make a final inspection of the installed extension before acceptance of it or any part thereof, and charge a reasonable inspection fee for activities described heretofore.
4. Ownership, right-of-way, and title must be conveyed to the DISTRICT for all extensions installed by anyone other than the DISTRICT. The DISTRICT will maintain the water mains, water service lines, water meters, sanitary sewers and sewer service lines thereafter.
5. No extensions will be permitted if in the opinion of the Board of Trustees, the system does not have the necessary capacity to serve the proposed extension(s).
6. No tap-on fee (as outlined in Section 2) will be charged to new users connecting to the DISTRICT by reason of sanitary sewer, sewer service line and/or a water main extension, service lines and water meters, etc. to individual properties installed by someone other than the DISTRICT. However, a service connection fee shall be charged to each new user in order to receive water and/or sanitary sewer service from the DISTRICT as shown in Ordinance No. 11, latest revision, Ordinance to Establish the Specific Rates and Effective Dates for the Bloomington Township Public Water District, as in effect from time to time.

If an approved water meter has not been provided by someone other than the DISTRICT, then the DISTRICT shall provide the meter with remote read device if applicable and a reasonable fee will be added to cover the cost of the meter and remote read device.

PROPOSER is bound to install the sanitary sewer extension, sewer service lines to each user, and/or water main extension, service lines to each user to be served, meters and shut-off valves, and other necessary capital items, at PROPOSER's expense. DISTRICT shall inspect and receive an assignment after completion of the project and tender of the necessary connection fees for each user by the PROPOSER.

E. DISTRICT Construction:

DISTRICT, in its sole discretion, may elect to construct the extensions, relying upon numerous factors including but not limited to the number of existing property owners committed in writing to becoming users, the number of anticipated new users within a five year period, the financial condition of DISTRICT at the time of decision, the cost of the project, and the cost of the project compared to the assets and income of DISTRICT. In all decisions the guiding factor shall be whether the project is economically feasible.

In the event that DISTRICT decides to construct the sanitary sewer and/or water main extension(s) it shall collect the anticipated capital costs and reasonable administrative costs, including engineering fees, through a) payments from PROPOSER and/or b) contributions from the existing property owners prior to service. Fifteen percent (15%) is due upon approval of project and the remainder due at time of letting of contracts, unless alternate arrangements are approved that will assure DISTRICT full collection of its capital costs and administrative cost.

F. DISTRICT Amortization:

DISTRICT, in its sole discretion, may, but shall not be required to, allow an amortization of the capital cost on such terms and conditions as it believes are appropriate with the addition of its cost of borrowing funds and its costs of services, internally and for attorneys, engineers, accountants and outside professionals. For any project the decision on whether to allow an amortization shall be binding upon all participants, regardless of whether they desire the amortization.

DISTRICT's cost will be collected through a Special Project Capital Improvement Charge pursuant to Section 4 of Ordinance 10, or such subsequent ordinance establishing water rates for the DISTRICT.

G. Existing Property Owners Election Not to Become Users:

An existing property owner who originally elected not to participate in the extension or a subsequent owner of same property who desires to receive sanitary sewer and/or water service from the DISTRICT must tender the appropriate tap-on fee plus a capital cost charge and interest as set forth in

PROPOSER's memorandum to the DISTRICT capital cost charges cannot run beyond 20 years from the first day sanitary sewer service and/or water is provided by the extension. Interest charges will not exceed 20 years compounded annually.

1. To the extent PROPOSER provided the cost of the extension(s), DISTRICT will remit such capital charge and interest to PROPOSER for existing property owners and subsequent owners who desire to receive water service within 10 years from the day water is provided by the extension(s) as outlined in the PROPOSER's memorandum to the DISTRICT.
2. If the cost of extension(s) is being amortized pursuant to sub-paragraph F above, DISTRICT will apply such capital cost charge and interest to outstanding indebtedness of said extension(s) or to reduce future Special Project Capital Improvement Charges associated with such extension at the DISTRICT's option until the Special Project Capital Improvement Charges are applicable.

H. Additional Charges for Sanitary Sewer Upsizing Various Trunk Line Sanitary Sewers:

1. General:

Sanitary Sewers: If there is an existing sanitary sewer that may serve the developers, developers shall pay any existing tap-on charge requirements that were created to upsize the sanitary sewer heretofore. Where installation of sanitary sewer lines of larger capacity than required to serve land owned by the developer is required by the Water District to serve future growth in the vicinity of the development, the developer shall be responsible for installation of a sewer with adequate capacity for all upstream and downstream uses. The developers shall discuss with the Water District a formula for potential reimbursement of developers for the difference in cost between the size required for developer's land (minimum size 200 mm (8 inches) and larger size required. The upsizing costs shall be subject to potential reimbursement from tap-on charges collected by the Water District from subsequent upstream or downstream sewer connections, with simple interest added at a rate of .5% monthly (6% annually) for a period of 15 years after the sewer system installed by developers is accepted by the District and operational. Prior to any upstream or downstream sewer connections (except connections provided pursuant to easement agreements), the Water District shall collect any tap-on charges from upstream or down stream developers or projects for disbursement to developers in accordance with any existing tap-on charge requirements or agreements.

Engineering Costs: The developer will be responsible for all engineering costs for design of sanitary sewer facilities including pump stations within his/her development.

SECTION 4. DISTRICT's Responsibility and Liability:

A. Water Distribution System Ownership, Installation, and Maintenance.

The DISTRICT shall install, own, or lease and maintain the complete water system water mains, and service lines to the meter pit and/or shut off valve, which shall be located at or near the property line at a mutually agreed upon point, subject to the Board of Trustees determination that a particular service is economically feasible.

The DISTRICT shall furnish, install and maintain a meter and appurtenances including a shut-off valve which shall be installed at or near the user's property line or such other point determined by a duly authorized representative of the DISTRICT. The meter may be located adjacent to the shut-off valve inside a pit or within the user's premises as determined by the DISTRICT representative. If the meter is located within the users premises, a remote read device shall be furnished and installed on an exterior wall of the users premises at a location designated by the DISTRICT representative. The shut-off valve, meter and remote read device must be located where they can be readily accessible.

B. Sanitary Sewer System Ownership, Installation and Maintenance.

The DISTRICT shall install, own, or lease and maintain the complete sanitary sewer collection system and sewer service lines, or sewer service connection "T" or "Y", to be constructed to the approximate property line at a mutually agreed upon point subject to the Board of Trustees determination that a particular service is economically feasible.

C. Refusal of Service.

The DISTRICT may at any time refuse additional sanitary sewer and/or water service to any applicant if in the judgment of the Board of Trustees the capacity of the system will not permit such use.

D. Liability.

All sanitary sewer and/or water service supplied by the DISTRICT shall be upon the express condition that the DISTRICT shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of water for non-payment of bills, repair, relocation, or expansion of any part of the system, or failure of any part of the system or for concentration of water for such purposes as fire-fighting or restricted use of water; and/or blockages for any reason in the sanitary sewer system operation by the District and/or the Bloomington and Normal Water Reclamation District.

In particular, the Water District and B.N.W.R.D. shall not be liable for any incidental and consequential damages caused by any of the above factors, especially including, but not limited to, damages to any portion of any premises because of the backup of water caused by any blockages in the sanitary sewer operation.

E. Use of Water on User's Premises.

The DISTRICT shall reserve the right to use the water from the user's facility at any time deemed necessary. No charge shall be made by the user for the use of his/her facilities and no charge shall be made by the DISTRICT for the water used by the DISTRICT.

SECTION 5. Users Responsibility for:

A. Installing and Maintaining Sanitary Sewer and/or Water Service Lines.

1. Water Service Lines

The user shall be responsible for installation and maintenance of water service lines between the meter pit and/or shut-off valve and the residence or business. Such water service lines must be at least 1-inch diameter, and must be installed at a minimum depth of 4 feet. Water service lines must have a minimum working pressure rating of 200 psi at 73.4 degrees F and must be constructed of one of the following types of materials: Copper (Type K), polyvinyl chloride (PVC), or C.T.S. polyethylene. The user shall not connect any water service line or any plumbing connected with the service line to any other water source.

2. Sanitary Sewer Service Lines

The user shall be responsible for installation and maintenance of sanitary sewer service lines between the service T or wye, or the end of the 6 inch sanitary sewer service, and the residence or business. Sanitary sewer service lines from a point 5 feet outside the building to the point of connection to the DISTRICT sanitary sewer shall be constructed with a minimum diameter of 6 inches, installed at a minimum depth of 4 foot, at a minimum slope of 1%, with a cleanout adjacent to the building served (exterior side), and additional cleanout(s) at every change in horizontal alignment. All pipe materials shall be embedded in sand with a minimum of 4 inches of sand below the pipe and 6 inches above. Allowable pipe materials are cast or ductile iron, PVC Schedule 80 with solvent welded joints, PVC Type PSM-SDR 21slip joint. Cellular core PVC is prohibited.

3. Inspections

All service lines must not be covered until they are inspected and approved by a duly authorized DISTRICT representative. The service line, including all plumbing inside the user premises, must meet any requirements of the State of Illinois Environmental Protection Agency, and the Illinois State Plumbing Code, latest edition(s). Wherever the words "Public Health Board" are used in the Illinois State Plumbing Code, it shall be held to mean the McLean County Health Department.

B. Provisions for Location of Water Meter.

The DISTRICT reserves the right to locate the meter inside a meter pit at or near the user's property line or inside the user's premises. Where meters are to be installed inside the user premises, a shut-off valve shall be installed inside the user premises adjacent to and on the incoming side of the meter. The meter shall be located in an accessible location, and shall be protected from all possible damage including freezing. The meter shall be equipped with a remote read device that shall be located on the building exterior at a location designated by the DISTRICT.

C. Easements:

The user shall give such easements and right-of-way as necessary to the DISTRICT and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the water system and/or sanitary sewer system. The necessity shall be determined by the Board of Trustees.

D. Damage to DISTRICT Property:

No person shall tamper, adjust, damage, or in any manner interfere with the components or operation of the water and sanitary sewer system owned by the DISTRICT. The curb stops and the shut-off valve inside the meter pits, shall be operated only by a duly authorized representative of the DISTRICT. Penalty for tampering, damaging, adjusting, or in any manner interfering with the components or operation of the system shall be up to \$100.00, payable to the DISTRICT. If the penalty is not paid within 30 days after the amount is determined, the DISTRICT shall shut off the water service. The amount of penalty shall be determined by the Board of Trustees. In addition to the penalty the user responsible shall reimburse the DISTRICT for the actual cost or repair of any damage arising from the users act. User shall report any known evidence of tampering, adjusting, damaging, or interference with operation of the system, owned by the DISTRICT to the Water District Manager or the Board of Trustees. Any malicious act of damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.

E. Actual, incidental and consequential damage.

Users will be responsible for all damages, actual as well as incidental and consequential, to the Water District or B.N.W.R.D. causally connected to the failure of a user to abide by or adhere to Water District or B.N.W.R.D. operation requirements/ordinances and Manuals of Practices, especially including but not limited to cross-connection requirements and spacing between sanitary sewer lines and water mains. Actual as well as incidental and consequential damages may also be collected for all costs incurred by Water District and/or B.N.W.R.D. including fines and/or penalties invoked by IEPA for any illegal discharges into the sanitary sewer system.

F. Specified Uses of Water:

Water purchased from the DISTRICT may be used for ordinary domestic, industrial (as limited by Water Purchase Agreement with City of Bloomington), or farm use upon the premises of the user provided:

1. No user shall resell or permit the resale of water purchase from the DISTRICT.
2. If more than one family unit is located upon the premises, then the user shall make application for each family unit a separate shut-off valve, meter and service line shall be installed for each family unit, i.e. a trailer park, duplex or apartment house shall have a separate service for each family unit.

G. Specified Uses of Sanitary Sewers:

Sewage discharged to the DISTRICT shall be ordinary domestic waste in strict accordance with the ordinances and related regulations of the Bloomington and Normal Water Reclamation District (B.N.W.R.D.) upon the premises of the user provided:

1. No user shall connect another user's premises to the sanitary sewer service provided to the user.
2. If more than one family unit is located upon the premises, then the user shall make application for each family unit together with application for water service. Details pertaining to the size, location, et al for sanitary sewer service line(s) for multiple family units (more than one family unit) shall be determined by the DISTRICT on a case by case basis.
3. If more than two (2) family units are located upon the premises, then the user shall also secure a connection permit for sanitary sewer service directly from B.N.W.R.D. before the B.T.P.W.D. can issue their permit to provide water service.

SECTION 6. Change in Occupancy:

A. Notice to DISTRICT.

Any user requesting a termination of service shall give written notice to the DISTRICT ten (10) days prior to the time such termination of service is desired. The meter shall be read by the DISTRICT and the user will be billed.

B. Responsibility for payment of services already consumed.

Responsibility for payment for water consumed prior to the date of termination shall be with the property owners as well as the user.

Property Owner is responsible for providing the Water District with an updated address for billings and any notices.

C. User is responsible for all cost of collection for unpaid final accounts, including a minimum administrative fee of \$25 for water service and \$50 for water and sewer service to DISTRICT if final payment is not made within thirty (30) days of termination of service, collection agency charges, attorney fees if necessary, and

all costs to trace new addresses for the user. The hourly retainer rate for B.T.P.W.D. for its attorney shall be considered a prima facie reasonable rate for legal services.

- D. There will be a service fee of \$25 charged for transferring the water service; and, a service fee of \$50 charged for transferring the sewer and water service, and charged to the subsequent user.

SECTION 7. Conflicts:

- A. All ordinances, resolutions, motions or orders, or part thereof shall be held invalid, the invalidity of such section paragraph, clause or provision shall not affect any of the other provisions of this ordinance. This ordinance shall be effective as of May 1, 2004.

SECTION 8. Ordinance in Force:

- A. This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.
- B. Passed and adopted by the Board of Trustees of the B.T.P.W.D. of McLean County, State of Illinois on the 9th day of March 2004

Ayes 5 namely Edwards, Orshler, Paxton, Roseman, Friedrich

Nays 0 namely _____

Approved this 9th day of March 2004

Signed [Signature]
(Chairman)

ATTEST:

Signed Evelyn J. Day
(Secretary)

(WATER DISTRICT SEAL)