

VILLAGE OF BANNOCKBURN

ORDINANCE NO. 2008-49

**AN ORDINANCE REPEALING
ORDINANCE NO. 2003-23 AS AMENDED, TO CREATE A BANNOCKBURN
WATER, SEWER, AND PLUMBING FEE AND CHARGES SCHEDULE**

WHEREAS, on November 14, 1977, the Village Board of Trustees adopted Ordinance No. 77-11.14.1, establishing a system of administering and collecting fees and charges for water, sewer, and plumbing services, which ordinance has been amended from time-to-time pursuant to Ordinance Nos. 78-2, 79-6, 80-3, 80-6, 80-16, 80-17, 81-3, 81-4, 83-8, 85-20, 88-8, 88-15, 89-22, 92-20, 92-31, 98-21, 99-8, and 2002-7 (“*Water, Sewer, and Plumbing Fees and Charges Regulations*”); and

WHEREAS, following the repeal of Ordinance No. 77-11.14.1, as amended, and the adoption of Ordinance No. 2003-23, the Village established fees and charges for water, sewer, and plumbing; and

WHEREAS, Ordinance No. 2003-23 has been amended from time-to-time pursuant to Ordinance Nos. 2003-33, 2004-15A, 2005-27, 2005-28, 2006-34, 2007-42, and 2008-11; and

WHEREAS, Ordinance No. 2003-23, as amended, will not be revised, but a new Ordinance creating a Bannockburn Water, Sewer and Plumbing Fee and Charges Schedule will be established; and

WHEREAS, the President and Board of Trustees of the Village of Bannockburn desire to create a Bannockburn Water, Sewer and Plumbing Fee and Charges Schedule setting forth

fees to cover fees, charges, and other costs payable to the Village relating to water, sewer and plumbing activities; and

WHEREAS, the President and Board of Trustees have also determined that it is desirable to incorporate all of the Village's water, sewer, and plumbing fees and charges' regulations into one comprehensive ordinance to clarify the regulations and to make it easier for residents to comply with, and for the Village to enforce, these regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BANNOCKBURN, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: RECITALS. The forgoing recitals are incorporated herein as if fully set forth.

SECTION TWO: REPEAL AND REPLACEMENT OF ORDINANCE NO. 2003-23. Ordinance 2003-23, as amended, being the "Bannockburn Water, Sewer and Plumbing Fee and Charges Ordinance," is hereby repealed and replaced with the "Water, Sewer, and Plumbing Fees and Charges Regulations," which shall hereafter be and read as follows:

WATER, SEWER, AND PLUMBING FEES AND CHARGES REGULATIONS

ARTICLE 1 -- CHARGES PERTAINING TO SEWERAGE SYSTEMS AND FACILITIES

Section 1-101. Permit Application Fee.

All permit applications required to be filed under the Bannockburn Sewerage Systems and Facilities Regulations, Ordinance No. 77-9.12.1, as amended, shall be accompanied by a non-refundable minimum fee of \$10.00. In addition, where the nature of the application requires the Village to employ the services of any consulting engineer, plumber or other person not regularly on the Village payroll for the purpose of reviewing the application, plans or specifications, an additional application fee equal to the actual cost to the Village of such

services, plus 10% to cover Village administrative time and expenses, shall be charged to, and paid by the applicant.

Section 1-102. Inspection Fee.

A minimum fee of \$20.00 shall be paid for any inspection or re-inspection of work by the Water and Sewer Commissioner of the Village of Bannockburn required under Ordinance No. 77-9.12.1, as amended. In addition where inspection or testing requires the Village to employ any person not regularly on the Village payroll or to incur any other out-of-pocket costs, an additional inspection fee equal to the actual cost to the Village of such services or materials plus 10% to cover Village administrative time and costs, shall be charged to, and paid by, the applicant.

Section 1-103. Connection and Extension Fees.

(1) Connection.

(a) A fee of \$400.00 shall be payable for each residential unit connecting to the Village Sewerage System; each single family residence and each residential unit in a multiple-family structure shall be considered a separate residential unit for the purpose of determining the connection fee. No such connection fee shall, however, be required with respect to any residential unit located within Village of Bannockburn Special Service Area Number Three, as established by Ordinance No. 80-7.

(b) A fee shall be payable for connecting each industrial, commercial, and institutional use to the Village Sewerage System equal to \$400.00 for each 250 gallons per day of sewerage estimated to be discharged plus, if applicable, an additional surcharge to be fixed by the Board of Trustees in the event that the discharge of any unusual wastes is expected; in no event, however, shall the connection fee be less than \$400.00.

(2) Extension.

(a) Applicants for a permit to extend a sewer main in the Village shall pay an extension fee equal to \$100.00 per residential unit expected to be served by connecting to the extension. The number of such residential units shall be determined by the Village Engineer.

(b) Where a sewer extension is expected to provide for service connections to any industrial, commercial, or institutional use, the fee shall be \$50.00 per population equivalent expected to be served by connecting to the sewer extension. The Village Engineer shall determine the character of the expected service connections and shall estimate the population equivalents.

(3) Costs and Expenses. In addition to the above connection and extension fees, all costs and expenses incident to the installation and connection of a service connection or extension to the Village Sewerage System shall be borne by the applicant.

Section 1-104. Sewer User Charges,” of the Water, Sewer, and Plumbing Fees and Charges Regulations

- (1)(a) There shall be a fee for each Residential Customer using the Village sewer facilities served by the Village of Deerfield Sewage Treatment Plant equal to ~~\$2.94~~ per 100 cubic feet of sewage discharged per month. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the same quarter of the preceding year, or on a minimum charge of ~~\$117.60~~ per quarter, whichever of the two shall be the greater. In addition, there shall be a \$2.50 per quarter administrative services charge upon each Residential Customer using the Village sewer facilities served by the Village of Deerfield Sewage Treatment Plant.

- (1)(b) There shall be a fee of ~~\$0.88~~ per 100 cubic feet of sewage discharged per month upon each Residential Customer currently tributary to the North Shore Sanitary District for the use of the Village sewer facilities. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the same quarter of the preceding year, or on a minimum charge of ~~\$35.20~~ per quarter, whichever of the two shall be the greater.

- (1)(c) There shall be a fee of ~~\$0.88~~ per 100 cubic feet of sewage discharged per month upon each Residential Customer currently tributary to the Lake County Sewerage Systems for the use of the Village sewer facilities. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the same quarter of the preceding year, or on a minimum charge of ~~\$35.20~~ per quarter, whichever of the two shall be the greater.

- (2)(a) There shall be a monthly user fee for each Nonresidential Customer using the Village sewer facilities and served by the Village of Deerfield Sewage Treatment Plant equal to ~~\$2.94~~ per 100 cubic feet of sewage discharged each month. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not

functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the preceding quarter, or on a minimum charge of ~~\$120.10~~ per quarter, whichever of the two shall be the greater.

(2)(b) There shall be a fee of ~~\$0.88~~ per 100 cubic feet of sewage discharged per month upon each Nonresidential Customer currently tributary to the North Shore Sanitary District for the use of the Village sewer facilities. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the same quarter of the preceding year, or on a minimum charge of ~~\$35.20~~ per quarter, whichever of the two shall be the greater.

(2)(c) There shall be a fee of ~~\$0.88~~ per 100 cubic feet of sewage discharged per month upon each Nonresidential Customer currently tributary to the Lake County Sewerage Systems for the use of the Village sewer facilities that are invoiced directly by Lake County for sewer service. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the same quarter of the preceding year, or on a minimum charge of ~~\$35.20~~ per quarter, whichever of the two shall be the greater.

(2)(d) There shall be a fee of ~~\$3.89~~ per 100 cubic feet of sewage discharged per month upon each Nonresidential Customer currently tributary to the Lake County Sewerage Systems for the use of the Village sewer facilities for which the Village is invoiced directly by Lake County for sewer service. Said fee shall be calculated based on water meter readings for that quarter. Where such readings are not available, or where the meter has not functioned properly, said fee shall be calculated based on the water meter reading of such Customer for the same quarter of the preceding year, or on a minimum charge of ~~\$155.60~~ per quarter, whichever of the two shall be the greater.

(3) In the event that there is discharged into the sewer system from any user sewage or other waste which contains unusual concentrations of any substances which add to the operating cost of the sewage collection, disposal or treatment system, and Board of Trustees of

the Village of Bannockburn shall establish, and the user shall pay, an additional user charge based upon the additional operating costs.

(4) In the event of an unlawful interconnection between a storm sewer and a sanitary sewer, as specified in Section 4-101 of the Bannockburn Sewerage Systems and Facilities Regulations, Ordinance No. 77-9.12.1, as amended, the User Charges herein specified shall be increased as provided in said Section 4-401 until the unlawful interconnection is ended.

(5) Sewer User Charges shall be billed and collected as provided in Article VII of the Bannockburn Sewerage Systems and Facilities Regulations, Ordinance No. 77-9.12.1, as amended.

ARTICLE 2 -- CHARGES PERTAINING TO WATER SYSTEMS AND FACILITIES

Section 2-201. Permit Application Fee.

All permit applications required to be filed under Ordinance No. 77.8.22.1, as amended, regulating water systems and facilities, shall be accompanied by a non-refundable minimum fee of \$10.00. In addition, where the nature of the application requires the Village to employ the services of any consulting engineer, plumber or other person not regularly on the Village payroll for the purpose of reviewing the application, plans or specifications, an additional application fee equal to the actual cost to the Village of such services, plus 10% to cover Village administrative time and costs, shall be charged to, and paid by, the applicant.

Section 2-202. Inspection Fee.

A minimum fee of \$20.00 shall be paid for any inspection or re-inspection of work by the Water and Sewer Commissioner of the Village of Bannockburn required under Section 2-205 of Ordinance No. 77.8.22.1, as amended. In addition where inspection or testing requires the Village to employ any person not regularly on the Village payroll or to incur any other out-of-pocket costs, an additional inspection fee equal to the actual cost to the Village of such services or materials, plus 10% to cover Village administrative time and costs, shall be charged to, and paid by, the applicant.

Section 2-203. Tap-In and Extension Fees.

(1) Applicants for a permit to connect any residential building or use to a water main in the Village shall pay a tap-in fee according to the following schedule.

Meter Model & Size	Tap Size	Tap-In Fee
#25 3/4"	1"	\$500.00
#40 1"	1 1/2"	820.00

#40	1 1/4"	1 1/2"	925.00
#70	1 1/2"	1 1/2"	1,000.00

(2) Applicants for a permit to connect any non-residential building or use to a water main in the Village shall pay a tap-in fee according to the following schedule.

Meter Size		Tap-In Fee
1 1/2" to 2"	disc/compound	\$1,200.00
2 1/2"	compound	1,500.00
3"	compound	2,000.00
4"	compound	2,500.00

(3) Applicants for a permit to extend a water main in the Village shall pay an extension fee equal to \$100.00 per residential unit expected to be served by connection or tapping in to the new extension. However, if the extension is expected to provide for service connections to any industrial, commercial, or institutional use, the fee shall be \$50.00 per population equivalent expected to be served by connecting to the sewer extension. The Village Engineer shall determine the character of the expected service connections and shall calculate either the number of expected residential units or population equivalents, as the case may be.

(4) In addition to the above tap-in and extension fees, all costs, expenses, fees, and charges incident to such tap and connection to the Village Water System, the metering thereof, and inspection, testing, and chlorination thereof shall be borne by the applicant.

Section 2-204. Meter Replacement and Repair.

The costs of making extraordinary repairs to, or replacement of, a water meter, other than for ordinary wear, shall be paid by the water user in accordance with the provisions of Section 3-307 of the Bannockburn Water Systems and Facilities Regulations, Ordinance No. 77-8.22.1, as amended.

Section 2-205. Water Rates.

- (1) Every Residential Customer connected with the Village water supply system shall pay the Village for the cumulative use of the water facilities at a rate of ~~\$4.82~~ per 100 cubic feet of water used for the first 20,000 cubic feet metered per quarter and ~~\$4.95~~ per 100 cubic feet for the next 60,000 cubic feet of water metered per quarter (consumption 20,001 CF – 80,000 CF) and, ~~\$5.06~~ per 100

cubic feet for all metered water 80,000 cubic feet or greater per quarter, provided that the total minimum quarterly fee shall in no event be less than **\$192.80**.

- (2) Every Nonresidential Customer connected with the Village water supply system shall pay the Village for the cumulative use of the water facilities at a rate of **\$4.82** per 100 cubic feet of water used for the first 20,000 cubic feet metered per quarter and **\$4.95** per 100 cubic feet for the next 60,000 cubic feet of water metered per quarter (consumption 20,001 CF – 80,000 CF) and, **\$5.06** per 100 cubic feet for all metered water 80,001 cubic feet or greater per quarter, provided that the total minimum quarterly fee shall in no event be less than **\$192.80**.

(3) Water Rates shall be billed and collected as provided in Article V of the Bannockburn Water Systems and Facilities Regulations, Ordinance No. 77-8.22.1, as amended.

(4) In the event that water meter readings are not available, or a meter has not functioned properly, the fee for the period in question shall be based on the amount of water used for the same period of the next preceding year, or shall be the minimum applicable fee established by this ordinance, whichever of the two shall be the greater.

Section 2-206. Termination and Resumption of Service.

A fee of \$20.00 shall be charged for terminating water service to any user, whether at the request of such user or pursuant to Section 5-505 of the Bannockburn Water Systems and Facilities Regulations, Ordinance No. 77-8.22.1, as amended; and an additional fee of \$20.00 shall be charged for resumption of service following termination. In addition to the aforesaid fees, all costs, expenses, fees, and charges incident to such termination and resumption of service shall be borne by the owner of the premises in question.

Section 2-207. Conservation; Multiple Water Meters.

(a) In order to promote conservation of water, the Village has established tiered water rates under Section 2-205 so that water customers who consume more water shall pay proportionately higher water rates.

(b) For purposes calculating water rates under Section 2-205 of this Ordinance, the readings of all of the water meters serving Nonresidential Customers on the same zoning lot (as defined under the Zoning Code) shall be aggregated, except in the "R" Retail District. In the "R" Retail District, the readings of all the water meters upon the same zoning lot shall be aggregated, except for the water meters of Nonresidential Customers who either (i) occupy more than 20,000 square feet of floor area or (ii) solely occupy a detached building upon such zoning lot.

ARTICLE 3 -- CHARGES PERTAINING TO THE PLUMBING CODE.

Section 3-301. Permit Application Fee.

All permit applications required to be filed pursuant to Ordinance No. 77-9.12.2, as amended; the Plumbing Code of the Village of Bannockburn, shall be accompanied by a nonrefundable minimum plan review fee of \$10.00 plus an additional fee of \$1.00 for each fixture in excess of 10 fixtures. In addition, where the nature of the application requires the Village to employ the services of any consulting engineer, plumber or other person not regularly on the Village payroll for the purpose of reviewing the application, plans or specifications, an additional application fee equal to the actual cost to the Village of such services, plus 10% to cover Village administrative time and costs, shall be charged to, and paid by, the applicant. Where a plan review fee covering the same work has been paid pursuant to Section 1-101 or Section 2-201, said fee shall be credited against the fee due pursuant to this section.

Section 3-302. Inspection Fee.

A minimum fee of \$15.00 or \$1.50 per fixture, whichever is greater, shall be paid for any inspection or reinspection of work by the Water and Sewer Commissioner required by Ordinance No. 77-9.12.2, as amended. In addition where inspection or testing requires the Village to employ any person not regularly on the Village payroll or to incur any other out-of-pocket costs, an additional inspection fee equal to the actual cost to the Village of such services or materials, plus 10% to cover Village administrative time and costs, shall be charged to, and paid by, the applicant. Where an inspection fee covering the same work has been paid pursuant to Section 1-102 or Section 2-202, said fee shall be credited against the fee due pursuant to this Section.

ARTICLE 4 -- SPECIAL FEES APPLICABLE TO SPECIFIED WATER MAINS AND SANITARY SEWERAGE SYSTEMS.

Section 4-401. Telegraph Road Water Main.

By the codification of Ordinance 74-1.14 there is hereby established a tap-in fee for connection to the 10-inch Village water main extending along Telegraph Road for a distance of 1100 feet south from the intersection of Telegraph Road and Half Day Road which shall be in addition to all other fees required by this ordinance; said fee shall be \$2,500 for each residential connection, or equivalent, to said main.

Section 4-402. Telegraph Road-Hilltop Lane Water Main.

(1) Pursuant to Bannockburn Ordinance 74-10.28, Carl Witte, then owner of 1841 Hilltop Lane paid the Village \$3,300.00; David K. Sengstack, then owner of 1875 Hilltop Lane paid the Village \$3,300.00; and the Village paid the balance of the cost for the construction of 320 foot long, 10-inch water main running southerly from the water main specified in Section 4-401 hereof and a 1,280 foot long, 6 inch water main running westerly along Hilltop Lane. Said main benefits the property lying along it on Telegraph Road to the extent of \$2,450 per

residential lot and property lying along it on Hilltop Lane to the extent of \$3,300 per residential lot. In addition, David K. Sengstack paid the Village \$3,300 for the specific benefit of the lot located at 1867 Hilltop Lane.

(2) By way of codification of Ordinance 74-10.28, there is hereby established a tap-in fee for connection to the aforesaid water mains which shall be in addition to all other fees required by this ordinance; said fees shall be as follows:

- (a) For each residential lot connected to the Telegraph Road Main: \$2,450 plus 8% annual interest beginning on October 29, 1974;
- (b) For each residential lot connected to Hilltop Lane Main: \$3,300 plus 8% annual interest beginning on October 29, 1974.

(3) At such time as the residence located on the lot at 1867 Hilltop is connected, the additional tap fee of \$3,300 plus 8% interest shall, upon collection by the Village, be paid to David F. Sengstack or his heirs.

(4) The Village Clerk shall record a copy of this Section with the Lake County Recorder of Deeds.

Section 4-403. Southerly Extension of Valley Road Water Main.

(1) Pursuant to Bannockburn Ordinance 75-7.14, Mr. James A. Boulton, then owner of Lot 22 in the Bannockburn Woods Subdivision, paid the Village \$4,686.75 for the construction of a 320 foot long, 6 inch water main running southerly from Valley Road to serve said property. Said main benefits the property lying between Valley Road and Lot 22 to the extent of 5/6's of its value.

(2) By way of codification of Ordinance 75-7.14, there is hereby established a tap-in fee for connection to the aforesaid water main which shall be in addition to all other fees required by this ordinance; said fee shall be as follows:

- (a) For the first connection in addition to Lot 22: 3/6 of \$4,686.25;
- (b) For the second connection in addition to Lot 22: 2/6 of \$4,686.25.

(3) The additional tap-in fees hereinabove established shall, upon collection by the Village, be paid to Mr. James A. Boulton or his heirs.

(4) The Village Clerk shall record a copy of this Section with the Lake County Recorder of Deeds.

Section 4-404. Kandler Water Main.

(1) Pursuant to a recapture agreement between the Village and First National Bank of Highland Park as Trustee under Trust Agreement Number 2600, K. Richard Kandler as beneficiary under the aforesaid Trust Agreement, and Land Unlimited Inc., as beneficiary under the aforesaid Trust Agreement (said Trustee and beneficiaries being hereinafter referred to collectively as "Developer") dated December 5, 1978, Developer has paid the cost of installing a water main running northerly along Waukegan Road and Westerly along Route 22 for a total distance of approximately 2054 feet. The total cost of said water main was \$45,142.92. Said water main benefits the following properties to the extent indicated.

<u>Property Benefited</u>	<u>Percentage Benefit</u>
Pesman (Exhibit B)	100%
Shell (Exhibit C)	100%
Beeson (Exhibit D)	100%
Nielsen (Exhibit A)	50%

All of said properties are described in the above indicated Exhibits which are attached to the aforementioned recapture agreement.

(2) There is hereby established a tap-in fee to the aforesaid water main which shall be in addition to all other fees required by this Ordinance. Said fees shall be as follows:

<u>Property Benefited</u>	<u>Recapture Fee Due</u>
B Pesman	\$12,441.60
C Shell	\$5,227.20
D Beeson	\$8,529.12
A Nielsen	\$9,477.00

(3) At such time as any of the above-required fees are collected by the Village, said fee shall be paid to Developer in accordance with the aforesaid recapture agreement.

(4) The Village Clerk shall record a copy of this section with the Lake County Recorder of Deeds.

Section 4-405. Terracom-Route 22 Water Main.

(1) Pursuant to a recapture agreement between the Village and the LaSalle National Bank as Trustee under Trust No. 46514, Terracom Development Corporation (hereinafter referred to as "Developer") as beneficiary under the aforesaid Trust, Lakeside Properties Partnership and William A. Brown, Jr., William P. Cowhey, William A. Lederer and Russell V. Ray, partners therein, FMC Corporation, LaSalle National Bank, as Trustee under Trust No. 50852 and Herbert D. Rosenfeld, Eugene Deutsch and Robert Maramba as beneficiaries under the aforesaid Trust dated January 22, 1979, Developer has paid the cost of installing a 12-inch water main extending easterly along Illinois Route 22 for a total distance of approximately 3,495 lineal feet to the intersection of Telegraph Road and Illinois Route 22. The total cost of said water main was \$96,778.03. Said water main benefits the following properties to the extent indicated.

<u>Property Benefited</u>	<u>Percentage Benefit</u>
Unitarian Church (Exhibit A)	0.3%
Trinity College and Divinity School (Exhibit B)	43.2%
Vecchione Subdivision (Exhibit C)	3.3%
Theodasakis (Exhibit D)	0.9%
Mary Black and Green House (Exhibit E)	1.5%
Yanong (Exhibit F)	0.3%
Basevitz (Exhibit G)	0.3%
Edgar (Exhibit H)	0.3%
Weiss (Exhibit I)	0.3%

All of said properties are described in the above indicated Exhibits which are attached hereto and made a part hereof.

(2) There is hereby established a tap-in fee to the aforesaid water main which shall be in addition to all other fees required by this Ordinance. Said fees shall be as follows:

<u>Property Benefited</u>	<u>Recapture Fee Due</u>
Unitarian Church	\$290.33
Trinity College and Divinity School	\$41,808.11

Vecchione Subdivision	\$3,193.68
Theodasakis	\$871.00
Mary Black and Green House	\$1,451.67
Yanong	\$290.33
Basevitz	\$290.33
Edgar	\$290.33
Weiss	\$290.33

(3) At such time as any of the above-required fees are collected by the Village, said fee shall be paid to Developer in accordance with the aforesaid recapture agreement.

(4) The Village Clerk shall record a copy of this section with the Lake County Recorder of Deeds.

Section 4-406. Route 22 Water Main.

(1) Parties contracting for service from the 12-inch water main extending 1,460 lineal feet easterly along Illinois Route 22 from the intersection of Telegraph Road and Illinois Route 22 shall pay a tap-in fee of \$1,500.00 per dwelling unit. Such fee shall be in addition to all other fees required by this Ordinance.

(2) The Village Clerk shall record a copy of this section with the Lake County Recorder of Deeds.

Section 4-407. Special Service Area Number Three Sanitary Sewer.

(1) A fee of \$300.00 shall be payable for each residential unit connecting to the Village Sewerage System serving Bannockburn Special Service Area Number Three, as described in Ordinance No. 80-7 adopted on June 30, 1980 and any amendments thereto. Such fee is to be collected by the Village of Bannockburn on behalf of, and or payment to, the Village of Deerfield, as compensation for the Village of Bannockburn's use of Deerfield's sewage treatment facilities. Such fee shall be in addition to any fees required by the Village of Bannockburn pursuant to other provisions of this Ordinance.

(2) A recapture fee shall be payable for each residential unit connecting to the Village Sewerage System serving Bannockburn Special Service Area Number Three, as described in Ordinance No. 80-7 adopted on June 30, 1980, where such residential unit was not within said Special Service Area on June 30, 1980. Such recapture fee shall be an amount equal to the total, as calculated by the Village Finance Commissioner, of all real property taxes which

would have been assessed against such residential unit, from 1980 to the date of connection, for the construction and maintenance of said sewerage system. Such recapture fee shall be in addition to all other fees required by this Ordinance and shall be used by the Village to abate subsequent real property taxes for the construction and maintenance of such sewerage system.

Section 4-408. Special Connection Fee for Special Service Area #5A.

A recapture fee shall be payable for each residential unit connecting to the Village Water System serving Bannockburn Special Service Area Number 5A, as described in section 6(b) of "An Ordinance Establishing Village of Bannockburn Special Service Area Number 5A," Ordinance No. 88-14 adopted on July 11, 1988, where such residential unit is not located on a lot that was included in the special tax roll for said Special Service Area on July 11, 1988. Such recapture fee shall be an amount equal to the total, as calculated by the Village Finance Commissioner, of all special service area taxes that would have been assessed against such lot from July 11, 1988 to the date of connection, for the construction and maintenance of said water system. Such recapture fee shall be in addition to all other fees required by this Ordinance and shall be used by the Village to abate subsequent special service area taxes for the construction and maintenance of such water system.

Section 4-409. Fanini Sanitary Sewer Extension.

(a) Pursuant to a recapture agreement between the Village and John and June Fanani ("Fanini") dated June 29, 1986, Fanani has paid the cost of installing a sanitary sewer extension in easements along Stirling Road for a total distance of approximately three hundred twenty (320) feet at a total cost of approximately \$22,000.00. Said sanitary sewer extension benefits the property legally described below to the extent of \$3,450.00:

The north 295 feet of the south half of the northeast quarter of the northwest quarter (lying westerly of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way line) of Section 20, Township 43 North, Range 12 East of the Third Principal Meridian, all in Lake County, Illinois

(hereinafter referred to as "the Fanini northerly lot").

(b) A tap-in fee in the amount of \$3,450.00 is hereby established in addition to all other fees required by this Ordinance in the event that the Fanini northerly lot connects to said Stirling Road sanitary sewer extension.

(c) At such time as the above-required tap-in fee is collected by the Village, said fee shall be paid to Fanani in accordance with the aforesaid recapture agreement.

Section 4-410. Special Service Area No. 15 Sanitary Sewer.

Parcels may connect to the sanitary sewer system improvements financed through Special Service Area No. 15, as established by Ordinance No. 2003-20, and adopted by the

President and Board of Trustees on June 23, 2003, ("Improvements") only under the following circumstances:

- (a) Connection to the Improvements by any of the "SSA Parcels," as that term is defined in Ordinance No. 2003-20, shall, in addition to the obligation to pay amounts levied pursuant to the Special Tax Roll, as that term is defined in Ordinance No. 2003-20, be subject to the following conditions:
 - i. Granting of Easement. Prior to the connection of any SSA Parcel to the Improvements, such SSA Parcel shall be required to grant and deliver to the Village an easement across the full length and/or width of such SSA Parcel in order to facilitate the installation, construction, repair, maintenance, and replacement of the Improvements and other utilities, unless the Village Board of Trustees otherwise determines that an easement across such SSA Parcel is not necessary for the installation, construction, repair, maintenance, and replacement of the Improvements. Such easement shall be granted without cost or expense to the Village and shall be in a form reasonably acceptable to the Village Attorney; and
 - ii. Limitation of Use. Each SSA Parcel shall be limited to the connection of one detached single-family residence developed in conformity with the provisions of the Bannockburn Zoning Code as is in effect as of the date of Ordinance No. 2003-20, and such limitation on development shall be a condition on the connection of the SSA Parcel to, and on the continued right of the SSA Parcel to use, the Improvements; and
 - iii. Payment of User Fees. Following the connection of a SSA Parcel to the Improvements, the owner or occupant of such SSA Parcel receiving sanitary sewer service from Bannockburn Special Service Area No. 15 shall be required to pay all user fees and comply with all applicable ordinances, rules, and regulations as the Village may from time-to-time establish for such sanitary sewer service as a condition to continued sanitary sewer service through the Improvements; and
 - iv. Inspection Fees. For each SSA Parcel, no tap-on fee shall be required to connect one detached single-family residence on the SSA Parcel to the Improvements; provided, however, that an inspection fee in the amount established by the ordinances of the Village shall nevertheless be paid upon connection.

- (b) Because the Improvements were designed to serve the properties within Bannockburn Special Service Area #15, the capacity of the Improvements to serve other properties is not guaranteed. Therefore, in order to conserve the limited resources of the Improvements, no parcel that does not qualify as one of the SSA Parcels, as defined in Ordinance No. 2003-20, shall be authorized to connect to the Improvements except upon satisfaction of the following conditions:
- (i) Approval of the Village Board of Trustees. Prior to the connection of any such parcel to the Improvements, the owner of any such parcel shall enter into an agreement with the Village that provides for the satisfaction of the other conditions set forth in this Section 4-410(b), and such other conditions as the Village Board of Trustees may establish in the best interests of the Village and for the purpose of conserving the limited capabilities of the Improvements, which agreement shall be subject to the express approval of the Village Board of Trustees by resolution; and
 - (ii) Granting of Easement. Prior to the connection of any such parcel to the Improvements, such parcel shall be required to grant and deliver to the Village an easement across the full length and/or width of such parcel in order to facilitate the installation, construction, repair, maintenance, and replacement of the Improvements and other utilities, unless the Village Board of Trustees otherwise determines that an easement across such parcel is not necessary for the installation, construction, repair, maintenance, and replacement of the Improvements. Such easement shall be granted without cost or expense to the Village and shall be in a form reasonably acceptable to the Village Attorney; and
 - (iii) Declaration of Covenants. Prior to the connection of any such parcel to the Improvements, the owner of such parcel shall execute and deliver to the Village for recordation a declaration of covenants running with the land, in a form approved by the Village Attorney, that prohibits any development, subdivision, or use of such parcel that is not consistent with the provisions of the Bannockburn Zoning and Subdivision Code applicable to such parcel as of the date of connection; and
 - (iv) Limitation of Use. Each such parcel shall be limited to the connection of one detached single-family residence developed in conformity with the provisions of the Bannockburn Zoning Code as is in effect as of the date of Ordinance No. 2003-20,

and such limitation on development shall be a condition on the connection of such parcel to, and on the continued right of such parcel to use, the Improvements; and

- (v) Tap-on, Connection, and Inspection Fees. Prior to the connection of any such parcel to the Improvements, the owner of such parcel shall pay all applicable tap-on, connection, and inspection fees and other charges provided for by any applicable ordinances of the Village at the time of connection to the Improvements; and
- (vi) Special Connection Fee. Prior to the connection of any such parcel to the Improvements, the owner shall pay, in addition to the fees required pursuant to Paragraph 4-410(b)(v) above, a special connection fee in the lump sum amount of \$39,166.67 plus simple interest at a rate of 4% per annum, which interest shall accrue from the date of establishment of Special Service Area No. 15 until paid. Such special connection fee shall be deposited in the Village's water and sewer enterprise fund for use in connection with any permitted expense for such fund, including reimbursement for water and sewer related interfund transfers; and
- (vii) Payment of User Fees. Following the connection of any such parcel to the Improvements, the owner or occupant of such parcel receiving sanitary sewer service from the Improvements shall be required to pay all user fees and comply with all applicable ordinances, rules, and regulations as the Village may from time-to-time establish for such sanitary sewer service as a condition to continued sanitary sewer service through the Improvements.

Section 4-411. Special Connection Fee for Duffy Lane Water Main Loop Extension.

The Village has expended funds for the purpose of constructing water main loop extension improvements along Duffy Lane to Lakeside Drive ("**Improvements**"). Such Improvements were installed to enhance the public health and safety of the Village residents by enhancing the overall serviceability and reliability of its water system for fire safety and potable water purposes. The Improvements were specifically not intended to enhance the development potential of properties within the Village, nor shall the Village require any properties in the vicinity of the Improvements to discontinue private water sources in favor of connection to the Improvements and the Village water system generally. In light of these purposes for constructing the Improvements, and in order to ensure fair share contributions by persons and parcels connecting directly to the

Improvements, such connections to the Improvements shall be allowed only under the following circumstances:

- (i) Granting of Easement. Prior to the connection of any such parcel to the Improvements, such parcel shall be required to grant and deliver to the Village an easement across the full length and/or width of such parcel in order to facilitate the installation, construction, repair, maintenance, and replacement of the Improvements and other utilities, unless the Village Board of Trustees otherwise determines that an easement across such parcel is not necessary for the installation, construction, repair, maintenance, and replacement of the Improvements. Such easement shall be granted without cost or expense to the Village and shall be in a form reasonably acceptable to the Village Attorney; and
- (ii) Declaration of Covenants. Prior to the connection of any such parcel to the Improvements, the owner of such parcel shall execute and deliver to the Village for recordation a declaration of covenants running with the land, in a form approved by the Village Attorney, that prohibits any development, subdivision, or use of such parcel that is not consistent with the provisions of the Bannockburn Zoning and Subdivision Code applicable to such parcel as of the date of connection; and
- (iii) Limitation of Use. Each such parcel shall be limited to the connection of one detached single-family residence per zoning lot developed in conformity with the provisions of the Bannockburn Zoning Code, and such limitation on development shall be a condition on the connection of such parcel to, and on the continued right of such parcel to use, the Improvements; and
- (iv) Tap-in, Connection, and Inspection Fees. Prior to the connection of any such parcel to the Improvements, the owner of such parcel shall pay all applicable tap-in, connection, and inspection fees and other charges provided for by any applicable ordinances of the Village at the time of connection to the Improvements relating to the use and enjoyment of the Village's water system; and
- (v) Special Connection Fee. Prior to the connection of any such parcel to the Improvements, the owner shall pay, in addition to the fees required pursuant to Subsection 4-411(d) above, a special connection fee for each zoning lot in the lump sum amount of \$39,090.92, less the Village Contribution set forth in Subsection

4-411(f) below, plus simple interest at a rate of 6.5% per annum, which interest shall accrue from the effective date of January 1, 2007. Such special connection fee represents a fair allocation of the costs relating to the Improvements. Such special connection fee shall be deposited in the Village's water fund for use in connection with any permitted expense for such funds, including reimbursement for water-related interfund transfers; and

(vi) Village Contribution. The Village shall hereby contribute a portion of the Special Connection Fee for water services required in Subsection 4-411(e) above, based upon the following schedule:

<u>For lots connecting to the Improvements:</u>	<u>Village Contribution (%)</u>	<u>Village Contribution (\$)</u>	<u>Connection Fee Before Interest</u>
Before January 1, 2008:	50%	\$ 19,545.46	\$ 19,545.46
Before January 1, 2009:	45%	\$ 17,509.91	\$ 21,581.01
Before January 1, 2010:	40%	\$ 15,636.30	\$ 23,454.62
Before January 1, 2011:	35%	\$ 13,681.82	\$ 25,409.10
Before January 1, 2012:	30%	\$ 11,727.28	\$ 27,363.64
Before January 1, 2013:	25%	\$ 9,772.73	\$ 29,318.19
Before January 1, 2014:	20%	\$ 7,818.18	\$ 31,272.74
Before January 1, 2015:	15%	\$ 5,863.63	\$ 33,227.29
Before January 1, 2016:	10%	\$ 3,909.09	\$ 35,181.83
Before January 1, 2017:	5%	\$ 1,954.55	\$ 37,136.37

(vii) Payment of User Fees. Following the connection of any such parcel to the Improvements, the owner or occupant of such parcel receiving water service from the Improvements shall be required to pay all user fees and comply with all applicable ordinances, rules, and regulations as the Village may from time-to-time establish for such water service as a condition to continued water service through the Improvements.

ARTICLE 5 -- MISCELLANEOUS PROVISIONS.

Section 5-501. Interpretation.

Unless otherwise expressly provided, words and phrases used in this ordinance shall be interpreted to have the same meanings as those ascribed to them in the Bannockburn Plumbing Code, Ordinance No. 77-9.12.2, as amended; the Bannockburn Sewerage Systems and Facilities Regulations, Ordinance No. 77-9.12.1, as amended; and the Bannockburn Water Systems and Facilities Regulations, Ordinance No. 2003-8, as amended. Any reference to "the Bannockburn Water Systems and Facilities Regulations, Ordinance No. 77-8.22.1, as amended" shall be deemed a reference to Ordinance No. 2003-8, as amended.

Section 5-502. Penalty.

Any person, firm or corporation violating this ordinance by willfully seeking to avoid the payment of any fee or charge herein required shall be fined not less than Twenty-Five Dollars (\$25) nor more than Seven Hundred and Fifty Dollars (\$750) for each offense, and each and every day during which a violation continues or exists shall be deemed a separate offense.

Section 5-503. Repealer and Conflicts.

Ordinance No. 74.14, being an ordinance establishing special connection and recapture charges with respect to the Telegraph Road Water Main, adopted on January 14, 1974; Ordinance No. 74-10.28, being an ordinance establishing connection and recapture charges with respect to the Telegraph Road-Hilltop Lane Water Main, adopted on October 28, 1974; Ordinance No. 75-7.14, being an ordinance establishing special connection charges with respect to a water main extending southerly from Valley Road, adopted on July 14, 1975; and all previously adopted ordinances establishing any lesser fee than the fees established by this ordinance be, and they are hereby, repealed in their entirety. In addition, Ordinance No. 2003-23, as amended from time to time, is hereby repealed in its entirety.

This ordinance shall not be construed to repeal any provision of the Bannockburn Plumbing Code, Ordinance No. 77-9.12.2; Sewerage Systems and Facilities Regulations, Ordinance No. 77-9.12.1, or the Water Systems and Facilities Regulations, Ordinance No. 77-8.22.1 and in the event of any conflict between the provisions of this ordinance and the provisions of those ordinances, such conflict shall be resolved in favor of the interpretation requiring the higher fee or charge.

Section 5-504. Severability.

If any portion of this Ordinance is found invalid or unenforceable by a court of competent jurisdiction, such finding will not affect the validity and enforceability of all remaining provisions of this Ordinance, which provisions must be given full force and effect to the maximum extent possible, notwithstanding such finding of partial invalidity.
law.

SECTION THREE. EFFECTIVE DATE.

This Ordinance shall be in full force and effect beginning January 1, 2009, or from and after its passage, approval, and publication in pamphlet form in the manner provided by law, whichever is later. Following its effective date, the Village Clerk shall cause a certified copy of this Ordinance to be recorded in the Office of the Lake County Recorder.

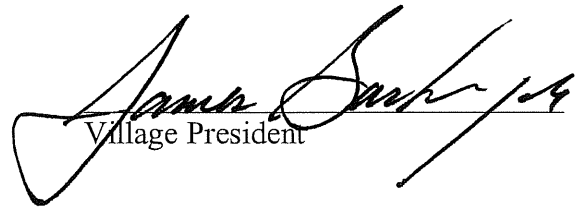
PASSED THIS 24th DAY OF NOVEMBER, 2008.

AYES: SIX (Berman, Boyle, Kirby, LaBunski, Nordby, Orth)

NAYS: NONE


ABSENT: NONE

APPROVED THIS 24th DAY OF NOVEMBER, 2008.



Village President

ATTEST:



Village Clerk

5834708_v2

EXHIBITS

EXHIBITS

SECTION 4-04 EXHIBITS

EXHIBIT A – NIELSEN

EXHIBIT B – PESMAN

EXHIBIT C – SHELL

EXHIBIT D – BEESON

SECTION 4-05 EXHIBITS

EXHIBIT A -UNITARIAN CHURCH

EXHIBIT B – TRINITY COLLEGE AND DIVINITY SCHOOL

EXHIBIT C - VECCHIONE SUBDIVISION

EXHIBIT D - THEODOSAKIS

EXHIBIT E - MARY BLACK AND GREEN HOUSE

EXHIBIT F – YANONG

EXHIBIT G – BASEVITZ

EXHIBIT H – EDGAR

EXHIBIT I - WEISS

LEGAL DESCRIPTION OF NIELSEN PROPERTY

That part of the North 1/2 of the Southwest 1/4 of Section 17, Township 43 North, Range 12 East of the Third Principal Meridian lying westerly of the West right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad except that part of the described premises lying within the public right-of-way of Illinois State Route 22, in Lake County, Illinois.

AND ALSO

The easterly 827.07 feet of the North 1/2 of the Southeast 1/4 of Section 18, Township 43 North, Range 12 East of the 3rd Principal Meridian except that part of the described premises lying within the public right-of-way of Illinois Route 22, in Lake County, Illinois.

LEGAL DESCRIPTION OF PESMAN PROPERTY

That part of the South 1/2 of the Southwest 1/4 of Section 17, Township 43 North, Range 12 East of the Third Principal Meridian lying North of the South 351.04 feet (as measured perpendicularly to the South line thereof), lying Easterly of the Easterly line of Waukegan Road as described in Deed Recorded April 8, 1964 as Document No. 1221390; lying Westerly of a line drawn from a point on the South line, of said Southwest 1/4 750.00 feet (as measured along the south line of said Southwest 1/4) East of the aforesaid Easterly line of Waukegan Road to the Southeast corner of property described in Document #1221388 Recorded April 8, 1964; lying Southerly of the Southerly line of Illinois State Route 22 as described in Deed Recorded April 8, 1964 as Document #1221388; excepting from the above described premises that part thereof described as beginning at the intersection of the existing center line of Waukegan Road and the North line of said South 1/2 of the Southwest 1/4, said existing center line being 30 feet Easterly of, measured perpendicular to, and parallel with the Easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence East along the North line of said South 1/2 of the Southwest 1/4, a distance of 373.19 feet; thence South perpendicular to said North line of the South 1/2 of the Southwest 1/4, a distance of 215.00 feet; thence Southwesterly along a line perpendicular to the center line of said Waukegan Road to a point on said center line which is 330.28 feet Southeasterly of the intersection of said center line with the North line of said South 1/2 of the Southwest 1/4 of Section 17 aforesaid; thence Northwesterly along said center line 330.28 feet to the herein designated place of beginning, all in Lake County, Illinois.

LEGAL DESCRIPTION OF SHELL PROPERTY

That part of the South 1/2 of the Southwest 1/4 of Section 17, Township 43 North Range 12 East of the Third Principal Meridian described as beginning at the intersection of the existing center line of Waukegan Road and the North line of said South 1/2 of the Southwest 1/4, said existing center line being 30 feet Easterly of, measured perpendicular to, and parallel with the Easterly, right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence East along the North line of said South 1/2 of the Southwest 1/4, a distance of 373.19 feet; thence South perpendicular to said North line of the South 1/2 of the Southwest 1/4, a distance of 215.00 feet; thence Southwesterly along a line perpendicular to the center line of said Waukegan Road to a point on said center line which is 330.28 feet Southeasterly of the intersection of said center line with the North line of said South 1/2 of the Southwest 1/4 of Section 17 aforesaid; thence Northwesterly along said center line 330.28 feet to the herein designated place of beginning, all in Lake County, Illinois, excepting from the above described premises all that part lying within public rights-of-way.

LEGAL DESCRIPTION OF BEESON PROPERTY

All that property lying North of the public right-of-way of Illinois Route 22, Half-Day Road and West of the public right-of-way of Illinois Route 43, Waukegan Road, located in the Northwest one quarter of the Southwest one quarter of Section 17, Township 43 North, Range 12 East of the 3rd Principal Meridian in Lake County Illinois.

UNITARIAN CHURCH

The East 400 feet of the West 433 feet of the South 544.5 feet of the North half of Lot 1 in the Southwest quarter of Section 18, Township 43 North, Range 12, East of the Third Principal Meridian, in Lake County, Illinois.

TRINITY COLLEGE AND DIVINITY SCHOOL

That part of the South half of Lot 2 of the South West quarter of Section 18, Township 43 North, Range 12 East of the 3rd P.M., lying Easterly of the Easterly line of premises condemned for Toll Road purposes by proceedings had in the County Court of Lake County, Illinois, as General No. 14155 on Judgment of Taking entered March 8, 1957 (except the North 650 feet thereof),

The West Half of the South Half of Lot 1 of the South West quarter of Section 18, Township 43 North, Range 12, East of the 3rd P.M.

That part of the North Half of the North Half of Lot 2 of the North West Quarter of Section 19, Township 43 North, Range 12, East of the 3rd P.M., lying Easterly of the Easterly line of the Northern Illinois Toll Highway as fenced,

The North 650 feet of that part of the South Half of Lot 2 of the South West Quarter of Section 18, Township 43 North, Range 12 East of the 3rd P.M., lying Easterly of the Easterly limits of the Northern Illinois Toll Highway as fenced, except the West 571.25 feet of the North 610.00 feet of said South Half of Lot 2 of the South West Quarter of Section 18,

The North Half of the West Half of the North Half of Lot 1 of the North West Quarter of Section 19, Township 43 North, Range 12 East of the 3rd P.M.,

containing 80 acres, more or less, all in Lake County, Illinois.

VECCHIONE PROPERTY

That part of the North half of Lot 1 of the South West quarter of Section 18, Township 43 North, Range 12, East of the 3rd P.M., described as follows: Commencing at the North East corner of said North half of Lot 1; thence South on the East line of said Lot 1 to a point 655 feet North of the South East corner of said North half of Lot 1; thence West parallel to the South line of said North half of Lot 1, to a point 499 feet East of the West line of said Lot 1; thence South parallel to the West line of said Lot 1, 655 feet to the South line of the North half of said lot 1; thence West on said South line 66 feet; thence North 544.5 feet parallel to the West line of said Lot 1; thence West 400 feet parallel to the South line of said North half of Lot 1; thence North parallel to and 33 feet East of the West line of said Lot 1, to the North line of Lot 1; thence East on said North line, 1289.54 feet to the place of beginning, in Lake County, Illinois.

THEODASAKIS

That part of the North half of the South half of the Southeast quarter of Section 18, Township 43 North, Range 12, East of the 3rd Principal Meridian, lying West of the center of Telegraph Road (excepting therefrom that part thereof conveyed by James O'Connor to Charles L. Wallace by Warranty Deed recorded November 30, 1925, as Document 269932, in Book 283 of Deeds, page 301, described as follows, to wit: Beginning at the intersection of the South line of said North half of the South half of the Southeast quarter of Section 18, Township 43 North, Range 12 and the Westerly line of Telegraph Road as it existed on December 1, 1925; thence West along said South line 699.47 feet; thence North perpendicular to said South line 150 feet; thence East parallel with said South line of said half half quarter Section to the center of said Telegraph Road; thence Southeasterly along the center of said road to the South line of said half half quarter Section; thence West along said South line to the place of beginning and excepting also the West 3 acres thereof), in Lake County, Illinois.

MARY BLACK AND GREEN HOUSE

The South 655 feet of the North half of Lot 1 of the Southwest quarter of Section 18 (excepting therefrom the West 499 feet and the East 382 feet); Township 43 North, Range 12, East of the 3rd Principal Meridian, in Lake County, Illinois.

and

The East 382 feet of the South 665 feet of the North half of Lot 1 in the Southwest One Quarter, Section 18, Township 43 North, Range 12, East of the Third Principal Meridian, Lake County, Illinois.

YANONG

Lot 2 of Kennedy's Bannockburn Subdivision

BASEVITZ

Lot 4 of Kennedy's Bannockburn Subdivision

EDGAR

That part of the North half of the Southeast quarter of Section 18, Township 43 North, Range 12, East of the 3rd Principal Meridian, described as follows: Beginning at a point on the South line of the North half of the Southeast quarter 875 feet East of the Southwest corner thereof; thence North at right angles to said South line 460.78 feet; thence East parallel with said South line 288.24 feet to the center line of the public road; thence Southeasterly along said center line 494.68 feet to the South line of said North half of the Southeast quarter; thence West along said South line 468.20 feet to the place of beginning, (excepting from the above described property that part taken for public roads), all in Lake County, Illinois.

WEISS

The west 3 acres of the north half of the south half of the southeast quarter of Section 18, Township 43 North, Range 12, east of the third principal meridian.