

ORDINANCE NO. 2022-1206-O

AN ORDINANCE ADOPTING AND IMPLEMENTING REGULATIONS FOR LANDSCAPING AND WATER CONSERVATION FOR DEVELOPING LAND IN WASHINGTON COUNTY, UTAH

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, Washington County is the most arid and fastest growing region in Utah with all its major population centers dependent on a single water resource that is prone to drought. It is essential that additional water conservation initiatives are enacted to protect the county's population, economy and quality of life;

WHEREAS, Washington County, in partnership with the Washington County Water Conservancy District, and local cities and towns, wants to establish standards for water efficient new development, to address limited water supplies, drought conditions, and the sustainability of future water resources;

WHEREAS, Washington County wants to ensure that the County and its residents continue to have a reliable, resilient, and sustainable water supply;

WHEREAS, establishing standards for new construction single family residential, multi-family residential, and nonresidential development in any zone, as it relates to landscaping and water conservation standards, will help sustain a reliable and resilient water supply to all residents;

WHEREAS, establishing standards for the use of water for outdoor landscaping and irrigation will help sustain a reliable and resilient water supply to all residents;

WHEREAS, carefully managing the County's water resources is of utmost importance to our community for the protection of present and future citizens;

WHEREAS, this proposed ordinance is necessary and proper for the safety, peace and good order of the County and its citizens; and

WHEREAS, this proposed ordinance is necessary for the preservation and longevity of these lands.

NOW THEREFORE, be it ordained by the County Commission of Washington County, Utah, that the attached standards and regulations are adopted, and shall be incorporated into the ordinances of the County, as Title 10, Chapter 27.

Section 1. Repealer. Current regulations in conflict with the attached provisions are repealed and replaced as set forth herein, and any provision of the code found in conflict with this ordinance also is hereby repealed.

Section 2. Enactment. Title 10, Chapter 27 is attached hereto and incorporated herein as Exhibit A, and are hereby adopted.

Section 3. Severability. If any provision of this ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This ordinance shall take effect upon execution below, and upon posting in the manner required by law fifteen days after its passage. Following its passage, but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County.

APPROVED AND ADOPTED this 19th day of April, 2022.

WASHINGTON COUNTY

VICTOR IVERSON, Chair

Washington County Commission

ATTEST:

Susan Lewis

Washington County Clerk-Auditor

Commissioner Iverson voted ____

Commissioner Snow voted ____

Commissioner Almquist voted ____

Approved as to Form:

Deputy Washington County Attorney

Notice of Adoption of Washington County Ordinance No. 2022-1206-O

On April 19, 2022, the County Legislative Body of Washington County adopted Ordinance No. 2022-1206-O, 'An Ordinance Adopting and Implementing Regulations for Landscaping and water Conservation for developing land in Washington County, Utah.'

The purpose of this ordinance is to: Ensure that the County and its residents continue to have a reliable, resilient, and sustainable water supply.

A complete copy of the Ordinance is available at the County Clerk's Office.

Commissioner Victor Iverson voted Aye

Commissioner Adam Snow voted Aye

Commissioner Gil Almquist voted Aye

Published in *The Spectrum* on Sunday, April 24, 2022.

ORDINANCE AMENDING TITLE 10, ZONING REGULATIONS, AND ADOPTING AND IMPLEMENTING REGULATIONS FOR LANDSCAPING AND WATER CONSERVATION FOR DEVELOPING LAND IN WASHINGTON COUNTY, UTAH

TITLE 10

CHAPTER 27: LANDSCAPE AND WATER CONSERVATION STANDARDS

10-27-1: APPLICABILITY

The provisions of this title are applicable to all new construction, development and major landscape improvements in the county that utilize potable water as defined herein. The provisions of this ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining

provisions, clauses, sentences, sections, words or parts thereof of this ordinance or their applicability to other persons or circumstances.

10-27-2: DEFINITIONS

The following definitions shall apply to this ordinance:

Active Recreation Area: An area that is dedicated to active play where grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses designated for physical activity.

Backflow Prevention Device: A device, assembly or means designed to prevent backflow, which complies with the specifications of the international plumbing code, and prevents unwanted reverse flow of contaminants through cross-connection into a potable water system.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip irrigation systems operate.

Drip Irrigation: An irrigation system that delivers water by adding water at the plant's base and root zone, usually measured in gallons per hour. Drip irrigation exhibits a droplet, trickle, umbrella or short stream pattern, to reduce evaporation, overspray, and water use, and improving water conservation.

Drip Emitter: A drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The grading plan shows all finish grades, spot elevations, drainage as necessary, and new and existing contours with the developed landscaped area.

Grass: A surface layer of earth containing mowed grass with its roots.

Ground Cover: Material planted in such a way as to form a continuous cover over ground that can be maintained at a height no more than twelve (12) inches.

Hardscape: Elements of landscape constructed from non-living materials such as concrete, boulders, brick, blacktop, and lumber. It includes patios, decks, and paths, but does not include driveways and sidewalks.

Hydrozone: Portion of landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

Irrigation Plan: A plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Irrigation Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and that flows onto other areas.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah, and who creates plans suitable to the local area and climate for plant selection, water use, and irrigation system design. Per State Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture if the plans meet local requirements.

Landscape Area: For single family dwelling development on a lot or parcel one acre or less, the Landscape Area includes the area that is not the home footprint, driveway, sidewalk or patio. For single family dwelling development on a lot or parcel that is more than one acre, the Landscape Area includes only the one acre area with the single family dwelling footprint in its center. For development other than single family dwellings, the Landscape Area includes any area on the development that is landscaped, or required to be landscaped under county ordinances.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture, and who generally focuses on residential design and horticultural needs of home landscapes.

Landscape Documentation Package: The documentation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features to comply with the provisions of this ordinance. The Landscape Documentation Package shall include a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.

Landscape or Landscaping: Any combination of berms; living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to outdoor artwork, screen walls, fences or benches that create an attractive and pleasing environment.

Landscape or Landscaping Maintenance: Maintaining or keeping any landscaping, or any area required to be landscaped:

A. In a live and thriving condition, with consideration for normal growth and water needs; and

B. Fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter, refuse, or debris in compliance with regionally accepted horticultural practice and county ordinances.

Landscape Plan: A plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape element, and includes an irrigation plan.

Mulch: Any organic material such as leaves, bark, wood chips, straw; inorganic material such as crushed stone or gravel; other materials left loose and applied to the soil surface for the beneficial purpose of controlling weeds and conserving soil moisture.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant List: A list of locally adaptable and environmentally sustainable plants for compliant Planting Plans as provided by the Washington County Water Conservancy District.

Planting Plan: A Planting Plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, grass areas, driveways, sidewalks, hardscape features, and fences.

Potable Water: Water that is treated to state and federal standards that make it safe for drinking. Potable water may be called culinary water, and may be sourced from a public or private system.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Landscape area in which over 50% percent of existing landscaping is removed and replaced. Includes all landscaping funded in part, or completely, by Washington County Water Conservancy District's landscape conversion program.

Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of outdoor landscaping.

Slope: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established, with possible supplemental irrigation needed or desirable during spring and summer months or during drought periods.

10-27-3: SINGLE FAMILY DWELLINGS, AND MULTIPLE FAMILY DWELLING PROJECTS WITH TEN UNITS OR LESS, WATER EFFICIENCY STANDARDS

These provisions are applicable to all new construction and development in any residential zone, or for a single family dwelling in any zone, or for multiple family dwelling projects with ten units or less.

A. Construction Standards for New Residential Dwellings, Including Accessory Dwelling Units:

New residential dwellings, including accessory dwelling units, 1,000 square feet or greater shall install hot water recirculation systems, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.

New residential dwellings, including accessory dwelling units, shall install WaterSense labeled fixtures, including, but not limited to faucets, showerheads, toilets, and urinals.

New residential dwellings, including accessory dwelling units, shall install Energy Star qualified appliances.

All multiple family units with ground floor square footage or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the resident of each unit. Individually platted condominium units are excepted if a property owners association owns and maintains the water lines and meters. All multiple family projects require separate water meters for all outdoor water usage, including landscaping.

B. Landscape Standards:

For all new single family dwellings, or multiple family dwelling projects with ten units or less, the landscaping shall meet the following requirements, and be subject of code enforcement if the requirements are not followed:

Single Family Dwellings, and Multiple Family Dwelling Projects with Ten Units or Less:

a. The total grass area shall not exceed the following:

<i>Lot or Parcel size:</i>	<i>Maximum grass</i>
Up to 6,000 sf	750 sf
Up to 12,000 sf	1,000 sf
Up to 18,000 sf	1,250 sf
Up to 24,000 sf	1,500 sf
More than 24,000 sf	2,000 sf

Lot or Parcel size:	Maximum grass
Exceeds 1 acre (per A.1.d)	2,000 sf

b. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 15%; and

c. Each single family dwelling shall have a minimum of two water-efficient shade trees with a minimum one-and-one-half-inch (1½") caliper trunk. Each multiple family development with ten units or less shall submit, and have approved by the county, the number and selection of its shade trees, as set forth in Section 5, below; the number of shade trees may be more or less than two per dwelling, in the sole discretion of the county.

d. If the dwelling is on a lot or parcel that exceeds one acre, these regulations only apply to the one acre portion of the lot or parcel with the footprint of the dwelling centered inside that one acre portion.

e. Non-ornamental plants and trees actively used for food production may use potable water, like garden and fruit tree areas.

Multiple Family Dwelling Projects with More than Ten Units: Comply with the Landscape Standards in Section 4, below.

C. Restrictive Covenants in Conflict with Water Efficiency Standards:

Any homeowners or property owners association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, recorded after passage of this ordinance, are void and unenforceable if they conflict with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or restricting compliance with this ordinance.

10-27-4: NONRESIDENTIAL ZONES, AND MULTIPLE FAMILY DWELLING PROJECTS WITH MORE THAN TEN UNITS, WATER EFFICIENCY STANDARDS

These provisions are applicable to all new construction and new development in all nonresidential zones, and nonresidential development in any zone, related to any area on the development that is landscaped, or required to be landscaped under county ordinances. It applies to multiple family dwelling projects with more than ten units, manufactured home parks, and commercial, manufacturing, and planned development projects.

A. Construction Standards:

Hot water recirculation systems shall be installed, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.

WaterSense labeled fixtures shall be installed, including, but not limited to faucets, showerheads toilets, and urinals.

Energy Star qualified appliances shall be installed.

All shell units with ground floor square footage, or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the individual unit. Individually platted condominium units are excepted if a property owners association owns and maintains the water lines and meters. All nonresidential projects require separate water meters for all outdoor water usage, including landscaping.

All carwash projects shall recirculate and limit the maximum amount of water to 35 gallons per vehicle washed.

Exterior, decorative water features are prohibited, except up to five decorative water features with 50 gallon or less capacity and maintained recirculating pumps.

All golf courses using water district or municipal water supplies shall irrigate with secondary irrigation water and shall have separate water meters for the golf course. Irrigation with potable water is prohibited. Each golf course development shall submit and follow a water budget with the Landscape Documentation Packet and identify water conservation measures for county approval.

Outside misting systems shall only operate during the May through August time period where the daily high temperature is 90 degrees Fahrenheit or greater.

B. Landscape Standards

All new construction and new development in all nonresidential zones, or as defined in Section 4 in any zone, shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance.

Grass is not permitted outside of an active recreation area. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 15%.

Landscape and irrigation installers shall follow the plans that have been signed and approved by the county.

Each project shall propose and follow an approved Planting Plan that has a minimum of 40% vegetative cover of a landscaped area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion. The configuration of the vegetation in the Planting Plan is in the sole discretion of the county.

If secondary irrigation water is available, each project shall connect to the system for all outdoor water use. A county may make minor exceptions, allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.

Required Documentation

Landscape Documentation Package: A copy of a Landscape Documentation Package shall be submitted to and approved by the county prior to the issue of any building permit. A copy of the approved Landscape Documentation Package shall be provided to the property owner or site manager. All packets and plans are required to have suitable plants, water use, and irrigation system design, using the plant lists from the Washington County Water Conservancy District, and that follow locally

adaptable and environmentally sustainable practices that emphasize xeriscape design. The Landscape Documentation Package shall be prepared by a professional landscape architect (PLA) and shall consist of the following items:

i. Project Data Sheet containing the following:

Project name and address;

Applicant or applicant agent's name, address, phone number, and email address;

Landscape architect's name, address, phone number, and email address; and

Landscape contractor's name, address, phone number and email address, if available at this time.

Planting Plan. A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:

Location of all plant materials, a legend with common and botanical names, and size of plant materials;

Property lines and street names;

Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;

Existing trees and plant materials to be removed or retained;

Scale: graphic and written;

Date of design;

Designation of hydrozones, and

Details and specifications for tree staking, soil preparation, and other planting work.

iii. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the Planting Plan and contain the following information:

Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;

Static water pressure in pounds per square inch (psi) at the point of connection to the public or district water supply;

Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with irrigation equipment (i.e., sprinklers, drip emitters, bubblers, etc.); and

Installation details for irrigation components.

iv. Grading Plan. A grading plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:

Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and

Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.

b. Plan Review, Construction Inspection, and Post-Construction Monitoring.

i. As part of the building permit approval process, a copy of the Landscape Documentation Package shall be submitted with a county provided pre-submittal checklist completed to initiate a review and approval process before construction begins.

ii. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.

iii. During construction, site inspection of the landscaping may be performed by the county Building Inspection Department or other entity tasked with approvals.

iv. Following construction, and prior to issuing an occupancy permit, an inspection shall be scheduled with the Building Inspection Department or other appointed entity to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, developer, contractor or landscape architect and submitted to the county.

v. The county or other appointed entity reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

10-27-5: LANDSCAPE AND IRRIGATION DESIGN STANDARDS FOR ALL NEW DEVELOPMENT IN ANY ZONE

A. Plant Selection:

Plants shall be well-suited to the microclimate and soil conditions at the project site. Native, locally adaptable and environmentally sustainable plants are acceptable. See the Washington County Water Conservancy District's recommended plant list on wcwcd.org. Plants with similar water needs shall be grouped together as much as possible into hydrozones for efficient irrigation. Invasive plant species as identified by the county shall not be planted.

Areas with slopes greater than 15% shall be landscaped with deep-rooting, water-conserving plants that do not include grass.

Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants and/or mulch that do not include grass.

B. Tree Selection and Irrigation:

Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be suited for water-efficient landscapes.

Trees shall be irrigated on a separate hydrozone as needed for efficient irrigation, and to allow for watering under water-shortage conditions when other plant material may not be watered due to drought conditions. Trees shall be selected and planted in accordance with the following county guidance:

Broad canopy trees shall be selected where shade or screening of tall objects is desired;

Low-growing trees shall be selected for spaces under utility wires;

Select trees from which lower branches will be trimmed to maintain a healthy growth habit where visual clearance and natural surveillance is a concern;

Narrow or columnar trees shall be selected for small spaces, or where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;

Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions; and

C. Maintenance:

All areas required to be landscaped shall be maintained in a live and thriving condition. Such areas shall be mowed, trimmed, fertilized, and edged, and free from dead plants, weeds, litter or debris, in compliance with regionally accepted horticultural practices.

D. Irrigation Design Standards:

Pressure Regulation. A pressure regulating valve shall be installed by the builder or developer, and maintained by the owner, if the static service pressure exceeds 90 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.

Irrigation Controller. It is required that landscaped areas use a WaterSense labeled smart irrigation controller, which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and have memory retention capability to retain pre-programmed irrigation schedules. Sites are not exempt from water waste prohibitions.

Each valve shall irrigate a landscape with a similar site, slope and soil conditions, and plant materials with similar watering needs. Grass, trees and non-grass areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.

Low-volume irrigation equipment (i.e., drip emitters, bubblers) shall be provided for each tree.

Drip irrigation shall be used to irrigate plants in non-grass areas. Spray head to drip conversion for rehabilitated landscape sites may be acceptable with county approval of Irrigation Plans.

High conservation efficiency spray nozzles are required for sprinkler applications.

Sprinkler heads shall have matched precipitation rates with each control valve circuit.

Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.

Check valves are required. Pressure compensating valves and sprinklers are required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.

Filters and end-flush valves shall be provided for drip irrigation lines if pumped or secondary irrigation water is utilized.

Landscape watering with potable (treated) water is prohibited from 10 a.m. to 8 p.m., from June 1 to September 1, to maximize irrigation efficiency.

Water waste is prohibited. Waste includes overwatering, irrigating during a precipitation event, water that sprays or flows off the property, failure to comply with drought restrictions and/or a failure to repair irrigation system leaks and/or malfunctions in a timely manner.

Overwatering can be avoided by following the water district's recommended irrigation schedule and practices as noted on wwcwcd.org. The generally recommended schedule is:

Winter (Nov – Feb) – sprinkler and drip irrigation up to 1 day a week. Irrigation is typically not needed in December, January and February

Spring (Mar – April) – sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week

Summer (May – Aug) – sprinkler irrigation up to 4 days a week and drip irrigation up to 3 days a week

Fall (Sept – Oct) – sprinkler irrigation up to 3 days a week and drip irrigation up to 2 days a week

Program valves for multiple repeat cycles are required to reduce runoff on slopes and for soils with slow infiltration rates.

Backflow prevention devices that are permanently affixed are required to prevent backflow of chemicals or other contaminants from entering the potable water system, or other water sources in the area. Fertigation systems are not permitted without backflow prevention devices that are permanently affixed. ORDINANCE NO. 2022-4-11

AN ORDINANCE AMENDING THE WATER RATES CONTAINED IN
SECTION 10-2-5 OF THE VILLAGE CODE OF THE
VILLAGE OF ROSEMONT

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THIS 11th DAY OF APRIL 2022

Published in pamphlet form by authority
of the corporate authorities of the Village
of Rosemont, Illinois, this 11TH day
of April, 2022

VILLAGE OF ROSEMONT

ORDINANCE NO. 2022-4-11 ____

AN ORDINANCE AMENDING THE WATER RATES CONTAINED IN
SECTION 10-2-5 OF THE VILLAGE CODE OF THE
VILLAGE OF ROSEMONT

WHEREAS, the Village of Rosemont purchases its water from the City of Chicago, and the City of Chicago has adopted a policy of annually increasing the rates it charges to the Village for the purchase of water;

WHEREAS, the Village's water and sewer utility system is operated on an enterprise fund basis and needs to be financially self-sustaining;

WHEREAS, the corporate authorities of the Village of Rosemont find that it is necessary to increase the water rates charged to the Village's residential, commercial and government water customers as provided in this ordinance to maintain the sewer and water system as a self-sustaining enterprise fund;

WHEREAS, the Village's corporate authorities deem it necessary, desirable and in the public interest to amend Section 10-2-5 of the Rosemont Village Code as set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Rosemont, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: Section 10-2-5 of the Village of Rosemont's Code of Ordinances is hereby amended to read as follows:

10-2-5. Water rates, penalties, deposits and shut-off.

(a) Effective July 1, 2022 with respect to commercial water consumers, residential water consumers and government/non-profit water customers, the rates charged for water supplied to consumers by the Village shall be as follows:

(A) Effective with all bills issued for usage on or after July 1, 2022, the rate of \$5.90 per 1,000 gallons shall be charged for each consumer utilizing water in a single-family home, residential apartment or condominium unit. The minimum amount to be charged to and paid by each such consumer shall be \$17.70 for each billing period.

(B) Effective with all bills issued for usage on or after July 1, 2022, the rate of \$12.02 per 1,000 gallons shall be charged for each consumer utilizing water in a commercial unit or industrial unit. The minimum amount to be charged to and paid by each such consumer shall be \$36.06 for each billing period.

(C) Effective with all bills issued for usage on or after July 1, 2022, the rate of \$5.90 per 1,000 gallons shall be charged for each consumer utilizing water in a non-profit, educational, religious, charitable, governmental or similar unit. The minimum amount to be charged to and paid by each such customers shall be \$17.70 for each billing period.

(b) Prior Rates and Charges Saved. Nothing in this amendatory ordinance adopted April 11, 2022 shall be deemed to amend, alter or repeal the water rates, charges or billings under Section 10-2-5 of the Village of Rosemont Code of Ordinances in effect for bills issued for usage prior to July 1, 2022 as all such prior rates, charges and related billings are expressly saved.

(c) Temporary Water Meter Fee. The fee for the temporary rental of a water meter shall be \$300.00. Water usage through a temporary meter shall be billed at the commercial rate unless the user is a non-profit, in which case the non-profit rate shall apply.

(d) Single family residential water accounts shall be billed every three (3) months. Except as otherwise set forth in this Section, all other consumers shall be billed monthly. Billing for Village accounts, Rosemont Park District accounts and Rosemont School District 78 accounts shall be suspended upon the direction of the Finance Director during the off-season. The minimum monthly fee will not be charged to Village accounts, Rosemont Park District accounts and Rosemont School District 78 accounts for any months in which the billing is suspended.

(e) If water service to any customer is shut-off or disconnected, then in addition to the payment of all amounts owed, a reactivation fee of \$50.00 shall be paid to the Village by the owner or occupant of such building or structure before water service is resumed. In addition, if water is shut-off while the Village is holding a deposit from the customer, the customer shall pay any amount necessary to ensure that the Village continues to hold the full amount of the deposit required by section 10-2-5(g) before water service is resumed.

(f) A penalty of ten percent (10%) shall be charged and due from all consumers of water for payment of bills that are not paid by the due date. If the full amount due, including penalties, is not then paid within 30 days after the bill due date, an additional 10% penalty shall then be assessed only upon the principal amount due (and not on any prior penalty amounts) with additional 10% penalties thereafter being assessed on only the principal amount due after each subsequent 30-day period passes without full payment being received. Any payments received shall first be applied to all penalties that are due and then to the principal amount due on the water bill that has remained unpaid for the longest period of time.

(g) All new commercial and industrial accounts shall pay a deposit equal to the estimated average monthly charge for water as determined by the Director of Public Works but not exceeding \$5,000.00. The applicant shall truthfully comply with all requests for information reasonably deemed necessary to estimate the average monthly charge for water. In addition, a consumer who shall be late in making any payment due or in violation of other provisions of this Chapter, whether or not his water has been shut off as hereafter provided, may be required at the discretion of the Director of Public Works to post a

deposit equal to the anticipated amount of an average monthly water bill. All deposits shall be credited to the consumer's water account after a continuous one-year period of on-time payment history. No interest shall be paid upon any deposit. Any deposit credits remaining after the termination of a consumer's water service shall be refunded to the consumer.

(h) A \$25.00 fee shall be charged to all consumers for each payment that is rejected for non-sufficient funds.

If any water account is not fully paid within 30 days after the bill due date, a shut-off notice may be mailed to the account address requiring full payment of all amounts due within a date that is at least 10 days after the date the shut-off notice was mailed in order to avoid disruption of service. *After the shut-off notice is mailed, the only acceptable method of payment is cash, money order or other method acceptable to the Village.* If the account is not paid by the date set forth in the shut-off notice, the Village shall affix a notice to the front door of the location indicating that the water will be shut-off if the account is not paid in full by 11:00 AM on the next business day. In the event the Rental Property Utility Service Act, 765 ILCS 735/1 et. seq. or any other statute governing a municipality's shut-off of water is applicable, the relevant provisions of such statute shall be followed for the shut-off of water instead of the procedures set forth of this section. The fact that the Village is holding any deposit shall not prevent the shut-off of water for lack of payment. After water is shut-off, any deposit held by the Village shall be applied to pay the amount due the Village with any remainder being returned to the customer.

(j) Rates A Lien: In addition to any other remedy provided for the enforcement or collection of any water rent or rate, all rates provided in this chapter shall be a lien against the premises to which any water may be supplied and charged against the owner thereof, and the property owner of rented buildings in the Village shall be responsible to the Village for all charges for Village water used therein, or on or about the grounds adjacent thereto, in any action waged by the Village in any court of competent jurisdiction for the amount of all water rents or rates as may be due and unpaid, together with all penalties provided herein and costs. Any change of ownership or occupancy shall not affect the application of this subsection.

SECTION 2: Home Rule. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Rosemont that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: Effective date. This Ordinance shall be in full force and effect following its passage and approval for water bills issued for usage on and after July 1, 2022. This Ordinance shall be published in pamphlet form as provided by law.

PASSED BY the following roll call vote on the 11th day of April, 2022

AYES:

NAYS:

ABSENT:

APPROVED this 11th day of April, 2022.

ATTEST: Village President

Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Certification Of Ordinance

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Rosemont, Cook

County, Illinois (the "Village"), and that as such official I am the keeper of the records and files of the President and Trustees of the Village (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete copy of an ordinance adopted at a meeting of the Corporate Authorities held on the 11th day of April, 2022, which is entitled:

AN ORDINANCE AMENDING THE WATER RATES CONTAINED IN
SECTION 10-2-5 OF THE VILLAGE CODE OF THE
VILLAGE OF ROSEMONT

a true, correct and complete copy of which said ordinance as adopted at said meeting appears is attached.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 48 hours in advance of the holding of said meeting; that said agenda described or made specific reference to said ordinance; that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Corporate Authorities.

In Witness Whereof, I hereunto affix my official signature and the seal of the Village, this 11th day of April, 2022.

Village Clerk

(SEAL)

ORDINANCE NO. 2022-4-11_B_

AN ORDINANCE AMENDING ARTICLE C OF CHAPTER 20 OF TITLE 4 OF THE VILLAGE'S CODE OF ORDINANCES TITLED "MOBILE FOOD VENDORS AND DISPENSERS"

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF ROSEMONT, THIS
11th DAY OF APRIL, 2022

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Rosemont, Cook
County, Illinois this 11TH
day of April, 2022.

VILLAGE OF ROSEMONT

ORDINANCE NO. 2022-4-11__

AN ORDINANCE AMENDING ARTICLE C OF CHAPTER 20 OF TITLE 4 OF THE VILLAGE'S CODE OF ORDINANCES TITLED "MOBILE FOOD VENDORS AND DISPENSERS"

WHEREAS, the Village of Rosemont (the "Village") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6 of the Illinois Constitution;

WHEREAS, the Village's corporate authorities find and determine that it is the best interests of the Village's health and welfare to allow temporary licenses for mobile food truck vendors when the temporary licensee is in the process constructing a permanent food service location in the Village pursuant a Village issued construction permit; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: RECITALS. The above recitals to this ordinance are true, correct and material to this ordinance. The above recitals shall be a part of this ordinance and shall be incorporated into this Section as if they were fully set forth in this Section.

SECTION 2: Amendment to Article C, Chapter 20, Title 4. Article C of Chapter 20 of Title 4 of the Village of Rosemont's Code of Ordinances shall hereinafter be comprehensively amended and restated to state in its entirety as follows:

ARTICLE C: MOBILE FOOD VENDORS AND DISPENSERS

Section

4-20C-1: Mobile Food Vendors

4-20C-1-1: Definition

4-20C-1-2: License Required

4-20C-1-2.5: Temporary License

4-20C-1-3: Regulations

4-20C-1-4: Penalties

Cross-reference:

See subsection 3-10-1(C) of this Code for license fee

4-20C-1: MOBILE FOOD VENDORS:

4-20C-1-1: DEFINITION:

As used in this section 4-20C-1, the term MOBILE FOOD VENDOR shall mean any person or persons who operate or sell food from a stationary cart or trailer mounted on a chassis, but without an engine, or from a food truck with an engine specifically outfitted with the necessary equipment for the safe handling, storage and/or preparation of the food products being served as determined by the Director of Health and Licensing. All Mobile Food Vendors must be inspected by the Director of the Health and Licensing Department.

4-20C-1-2: LICENSE REQUIRED:

It is unlawful for any person to engage in the business of mobile food vendor without first having obtained a license from the Director of Health and Licensing .

4-20C-1-2.5: TEMPORARY LICENSE:

A temporary license may be issued for a mobile food vendor that has a demonstrated ownership or leasehold interest in a property located in the Village for the period that is 6 months prior to the anticipated opening of a permanent food service establishment being constructed pursuant to a Village issued building permit for the vendor's use in the Village. The fee for a temporary license shall be that set forth in the fee schedule Section 3-10-1(C) of this Code. Any temporary license issued shall automatically expire upon the issuance of an occupancy permit for the permanent food service establishment.

4-20C-1-3: REGULATIONS:

Mobile food vendors are subject to the following regulations:

Only Mobile food vendors that have obtained a license from the Village may operate within the Village of Rosemont.

B. A mobile food vendor cart, trailer or truck shall bear signage or other insignia identifying the food service establishment with which it is affiliated.

C. A mobile food vendor may be located and operated on private property with the written permission of the owner of the privately owned property only such dates and times as permitted by the private property owner and the license required from the Village. The mobile food vendor may operate on public owned property, including any Village owned right of way, only upon receipt of the written permission of the public entity only on such dates, times and specific locations as permitted by the public entity owning or operating the property. A mobile food shall not operate on any non-Village owned public right of way and shall not interfere with travel on such rights of way.

D. A mobile food vendor desiring permission to operate within any public common areas shall submit a written application to the Director of the Health and Licensing Department stating the dates, times and place for which permission is being requested, together with a site plan depicting the proposed location of the mobile food vendor. The Village's Director of Health and Licensing shall contact the Village's manager of the location where permission is sought and/or any other public entity that owns or controls the property for which the permission is sought (i.e.: Park District or School District) and not issue any license unless permission is granted by the Village's manager of the location or the public entity that operates the proposed location in which the mobile food vendor has applied to operate.

E. Mobile food vendors may operate only during the days, hours and locations established in the license issued by the Director of the Health and Licensing Department.

F. Mobile food vendors may not be operated in parking spaces, driveways, fire lanes or public roads unless permission is specifically granted by the Village.

G. A drive-through is not permitted in conjunction with a mobile food vendor.

H. A mobile food vendor cart or chassis shall be stored in an appropriate location approved by the Director of Health and Licensing at all times when it is not being operated for food service purposes.

I. All food must be protected from any type of contamination and must be stored and served in accordance with all applicable food service sanitation codes and ordinances.

4-20C-1-4: PENALTIES:

Any person, firm, corporation or business entity found to be in violation of any provision of this Article or, of the terms of a mobile food vendor license issued pursuant to this Article, by the Village's Administrative Hearing Officer after a notice and hearing required pursuant to the Village's Administrative Hearing System established in Article A of Chapter 4 of Title I of this Code shall be subject to: a) revocation or suspension of their mobile food vendor license; and b) a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00) for each offense. The provisions of this section shall not preclude the Village from using other methods or proceedings to enforce this article or to adjudicate alleged violations of this article including, without limitation, the institution of an action in the Circuit Court of Cook County or before another administrative tribunal which has jurisdiction to consider violations of this article.

SECTION 3: Home Rule: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Rosemont that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: All Ordinances or parts of Ordinances thereof in conflict with this ordinance are hereby repealed to the extent of any such conflict.

SECTION 5. This ordinance shall be immediately in full force and effect upon its passage and approval and subsequently be published in pamphlet form as provided by law.

PASSED by the following roll call vote this 11th day of April, 2022

AYES:

NAYS:

ABSENT:

APPROVED this 11th day of April, 2022.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS

)

) SS

COUNTY OF COOK

)

Certification Of Ordinance

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Rosemont, Cook County, Illinois (the "Village"), and that as such official I am the keeper of the records and files of the President and Trustees of the Village (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete copy of an ordinance adopted at a meeting of the Corporate Authorities held on the 11th day of April, 2022, which is entitled:

AN ORDINANCE AMENDING ARTICLE C OF CHAPTER 20 OF TITLE 4 OF THE VILLAGE'S CODE OF ORDINANCES TITLED "MOBILE FOOD VENDORS AND DISPENSERS"

a true, correct and complete copy of which said ordinance as adopted at said meeting appears is attached.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 48 hours in advance of the holding of said meeting; that said agenda described or made specific reference to said ordinance; that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Corporate Authorities.

In Witness Whereof, I hereunto affix my official signature and the seal of the Village, this 11th day of April, 2022.

Village Clerk

(SEAL)

ORDINANCE NO. 2022-4-11_C_

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, ARTICLE A OF THE VILLAGE CODE TITLED: "CROSS-CONNECTION CONTROL."

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF ROSEMONT, THIS
11th DAY OF APRIL, 2022

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Rosemont, Cook
County, Illinois this 11TH
day of April, 2022.

VILLAGE OF ROSEMONT

ORDINANCE NO. 2022-4-11__

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, ARTICLE A OF THE VILLAGE CODE TITLED: "CROSS-CONNECTION CONTROL."

WHEREAS, the Village of Rosemont (the "Village") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6 of the Illinois Constitution;

WHEREAS, the Village's corporate authorities find and determine that it is the best interests of the Village's health and welfare to amend its cross-connection control ordinance to allow its water customers to contract with State licensed cross-connection control inspectors for the inspection and testing backflow prevention devices; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULES POWERS, as follows:

SECTION 1: RECITALS. The above recitals to this ordinance are true, correct and material to this ordinance. The above recitals shall be a part of this ordinance and shall be incorporated into this Section as if they were fully set forth in this Section.

SECTION 2: Amendment to Title 10, Chapter 2, Article A. Article A of Chapter 2 of Title 10 of the Village of Rosemont's Code of Ordinances shall hereinafter be comprehensively amended and restated to state in its entirety as follows:

ARTICLE A: CROSS-CONNECTION CONTROL

Section

10-2A-1: Applicability Of Backflow And Cross-Connection Requirements

10-2A-2: Cross-Connection Prohibited

10-2A-3: Cross-Connection Control Survey And Inspections

10-2A-4: New/Replacement Cross-Connection Control Installation Inspections

10-2A-5: Registry

10-2A-6: Testing Inspection Fee

10-2A-7: Compliance Required

10-2A-8: Disconnection Of Service

10-2A-9: Scheduling Annual Inspections; Penalty

10-2A-10: Penalty

10-2A-11: Prosecution Of Violations; Injunctions

10-2A-1: APPLICABILITY OF BACKFLOW AND CROSS-CONNECTION REQUIREMENTS:

All existing water supply systems receiving potable water from the Village shall comply with all the regulations and requirements of the Illinois Plumbing Code addressing cross-connections and backflow, including, but not necessarily limited to, the requirements of 77 Ill. Admin. Code 890 and 77 Ill. Admin. Code 900. In the event, the standards and requirements of

the Illinois Plumbing Code pertaining to the regulations of cross-connections and the protection against backflow are in the future amended, such amended requirements shall be applicable.

10-2A-2: CROSS-CONNECTION PROHIBITED:

A. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the public water supply enters the Village's public water supply unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall be in compliance with the Illinois Plumbing Code and approved by the Director of Public Works and the Illinois Environmental Protection Agency ("IEPA").

B. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any arrangement or connection by which a pollutant or contaminant may enter the Village's public water supply.

C. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where cross-connection control devices or methods which meet the requirements of the Illinois Plumbing Code are installed, tested and maintained to insure proper operation on a continuing basis.

D. No physical connection shall be permitted between the potable portion of a water supply system and any other water supply that is not in compliance with the Illinois Plumbing Code and has not been approved by the Director of Public Works and the IEPA.

10-2A-3: CROSS-CONNECTION CONTROL SURVEY AND INSPECTIONS:

A. It shall be the duty of the Director of Public Works ("Director") to cause a survey to be made of properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist by reason of cross-connections or potential backflow risks. Such surveys and investigations shall be repeated as often as the Director of Public Works shall deem necessary.

B. The survey conducted by the Director of Public Works shall include the inspection of the premises of all individuals/entities receiving water from the Village's water system ("water customer" or "customer") to ascertain the presence or absence of cross-connections within the premises and the need for the installation of any new cross-connection control devices. It shall be the duty of all individuals/entities receiving water from the Village's to have any existing cross-connection control device inspected and tested by a State licensed cross-connection control inspector annually or more frequently if recommended by the device's manufacturer. If the owners or occupants of the premises does not have any cross-connection control device inspected annually or more frequently if recommended by the device's manufacturer, the Village or the Village's Director of Public Works is authorized to petition any court having competent jurisdiction, through the Village Attorney, for the issuance of a warrant or order authorizing the owners or occupants of a premises to obtain an inspection, sampling, examination and photocopying and the performance of any other duties as required by the State Plumbing Code. If the Director finds that it is necessary to conduct sampling and monitoring operations, the Director shall request permission from the customer to set up such sampling and monitoring operations. If the consumer refuses to grant such permission, the Village or Director shall apply to the appropriate court, through the Village Attorney, for a warrant or order which will allow such monitoring and sampling to take place on the premises.

C. Commercial, institutional or industrial establishments receiving water from the Village's public supply shall conduct annual surveys of water use practices on the customer's premises to determine whether there are actual or potential cross-connections to the customer's water system through which contaminants or pollutants could backflow into the public water supply system.

D. All individuals/entities receiving water from the Village's water system shall prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or cross-connection control devices are installed in compliance with the Illinois Plumbing Code to protect against backflow and back-siphonage;

2. All cross-connection control devices are installed only in compliance with the Illinois Plumbing Code and in accordance with the manufacturer's instructions; and

3. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective.

10-2A-4: NEW/REPLACEMENT CROSS-CONNECTION CONTROL INSTALLATION INSPECTIONS:

The installation of all new cross-connection control devices and/or the replacement of any cross-connection device shall be performed by a licensed plumber in conformance with the Illinois Plumbing Code and the device manufacturer's instructions. Before any such new or replacement cross-connection control device is placed into service, its installation shall be approved by the Village's plumbing inspector for compliance with the Illinois Plumbing Code.

10-2A-5: REGISTRY:

A. The Village through its hired third-party contractor shall maintain a registry of all cross-connection devices located within the Village. The owner or occupant receiving water from the Village shall have an obligation to maintain records of the information required below for the registry and shall provide such information to the Village's third-party contractor upon request. The State licensed cross-connection control inspector hired by the owner/occupant shall also have an obligation to provide the information required below to the Village's third-party contractor. The registry shall include the following information:

1. The water customer or owner of the device;
2. The address where the device is located and a reasonably specific description of where the device is located on the premises;
3. The make and model of the device;
4. The date of the inspection and testing of the device;
5. The results of any testing;
6. The date installed, if known;
7. The inspection and testing frequency;
8. Name of the State licensed cross-connection control inspector performing the test and/or the name of the Village Plumber performing the inspection;
9. Any repairs or servicing required;
10. The date any repairs or servicing was completed and the name of the licensed plumber performing the repair; and
11. Any additional information that may be required by the Illinois Plumbing Code.

B. In addition, each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

10-2A-6: [Intentionally Omitted]

10-2A-7: COMPLIANCE REQUIRED:

A. Consumers must comply with this Article in order to continue to receive water service from the Village's public water supply system.

B. If the public water supply is contaminated or polluted by back siphoned material or backflow, and the contamination or pollution occurs through an improperly installed, maintained or repaired backflow prevention device, or because a backflow prevention device has been bypassed, then the water customer responsible shall, in addition to any fines or other amounts due under this article, pay to the Village any and all costs incurred in removing the contaminant or pollutant from the public water supply system, including the cost of effecting compliance with and enforcing this article.

10-2A-8: DISCONNECTION OF SERVICE:

A. The premises of a water customer who violates a provision of this article may be disconnected from the public water supply system as provided in this section.

B. Procedures for immediate disconnection:

1. A water customer is subject to having the customer's premises immediately disconnected from the Village's public water supply system whenever immediate disconnection is required to halt or prevent any pollutant or contaminant from flowing from the premises into the public water supply system which reasonably appears to the Director of Public Works to present a severe health hazard.

2. The Director of Public Works shall have the authority, after informal notice to the consumer, to immediately and effectively halt or prevent any discharge of pollutants or contaminants to the public water supply system that reasonably appears to present a severe health hazard. When the Director determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the water customer, stating the problem and requiring immediate cessation of the discharge. The Director's actions may include the disconnection of water service if there is an imminent threat of a severe health hazard. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the water customer and Village employees, telephone calls, letters, hand-delivered messages or notices posted at the water customer's premises or point of discharge.

3. Right To Request Hearing: A water customer who is disconnected pursuant to subsection 1 or 2 above, shall have the right to request a hearing, at which time the customer shall be given the opportunity to show cause as to why it should not be disconnected from the public water supply system. Such hearings shall commence within seven (7) days after a written request for the hearing is received by the Village President. Such hearing shall be conducted in accordance with the procedures contained in subsection C below.

C. Procedures for disconnection in non-emergency situations:

1. The Director of Public Works may order a water customer who causes or allows any condition to occur which violates the provisions of this article to show cause at a hearing as to why the premises where the condition occurred should not be disconnected from the public water supply system. A notice shall be served on the consumer specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed action and directing the customer to show cause why the premises should not be disconnected. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

2. The Village President may conduct the hearing and take the evidence or may designate the Village Attorney to:

a. Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

b. Take the evidence; and

c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village President for action thereon.

3. After the Village President has reviewed the evidence, he may issue an order to the water customer directing either that the premises be disconnected from the public water supply system; or following a specified time, the premises shall be disconnected and water service discontinued, unless the condition causing the violation is corrected.

4. Following an order to disconnect, the Director of Public Works shall cause whatever action is needed to be taken in order to disconnect the consumer's premises from the public water supply system.

D. Restoration Of Water Service: If water service to the premises is disconnected pursuant to this section, water service shall not be restored to the premises until such time as the condition which caused the violation is corrected and a reconnection fee of two hundred fifty dollars (\$250.00) is paid to the Village.

10-2A-9: ANNUAL INSPECTIONS; PENALTY:

A. It shall be the affirmative duty of every owner/occupant of a building or structure receiving water from the Village to have all cross-connection control devices inspected annually by a State licensed cross-connection control inspector or more frequently if required by the manufacturer of the cross-connection control device. It shall be a violation of the Village Code for any water customer to fail to have the inspection and testing of any cross-connection control device completed on or before the due date for such testing. If a water customer fails to undertake the inspection or testing of and cross-connection control device prior to the due date for the inspection/testing the water customer shall, upon being found liable, pay the following fines:

Zero (0) to forty-four (44) days past due: a fine of two hundred fifty dollars (\$250.00) for each past due device; and

Forty-five (45) or more days past due: a fine of five hundred dollars (\$500.00) for each past due device plus an additional fine of five hundred dollars (\$500.00) per each past due device for each additional thirty (30) day period after the first forty five (45) days.

B. If the inspection is past due by more than one hundred twenty (120) days the Village, in addition to any monetary fines that shall continue to accrue, shall have the ability to seek the non-emergency disconnection of the premises from the Village's public water supply. Nothing contained in this section shall preclude the Village from undertaking an immediate disconnection from the public water supply when such action is required to halt or prevent any pollutant or contaminant from flowing into the public water supply system which reasonably appears to the Director of Public Works to present a severe health hazard.

10-2A-10: PENALTY:

A violation of this Article (other than a violation addressed in section 10-2A-9) shall, upon conviction thereof, shall be punishable by a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) with each day a violation occurs being considered as a separate and distinct violation.

10-2A-11: PROSECUTION OF VIOLATIONS; INJUNCTIONS:

Violations of the provisions of this article are subject to prosecution under the Village's administrative adjudication proceedings established pursuant Title 1, Chapter 4, Article A of this Code as now or hereafter amended. The provisions of this section shall not preclude the Village from using other methods or proceedings to adjudicate alleged violations of this article, including, without limitation, the institution of an action in the Circuit Court of Cook County, or before another administrative tribunal which has jurisdiction to consider the violation. In the event that a person commits repeated violations of this article, the Village may institute an action to enjoin further such person from committing further violations of this article. In the event such an action is instituted and an injunction is issued, the person whose conduct is enjoined shall be required to compensate the Village for the attorneys' fees and other costs incurred in obtaining the injunction.

SECTION 3: Home Rule: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Rosemont that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: All Ordinances or parts of Ordinances thereof in conflict with this ordinance are hereby repealed to the extent of any such conflict.

SECTION 5. This ordinance shall be immediately in full force and effect upon its passage and approval and subsequently be published in pamphlet form as provided by law.

PASSED by the following roll call vote this 11th day of April, 2022

AYES:

NAYS:

ABSENT:

APPROVED this 11th day of April, 2022.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Certification Of Ordinance

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Rosemont, Cook County, Illinois (the "Village"), and that as such official I am the keeper of the records and files of the President and Trustees of the Village (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete copy of an ordinance adopted at a meeting of the Corporate Authorities held on the 11th day of April, 2022, which is entitled:

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, ARTICLE A OF THE VILLAGE CODE TITLED: "CROSS-CONNECTION CONTROL."

a true, correct and complete copy of which said ordinance as adopted at said meeting appears is attached.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 48 hours in advance of the holding of said meeting; that said agenda described or made specific reference to said ordinance; that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Corporate Authorities.

In Witness Whereof, I hereunto affix my official signature and the seal of the Village, this 11th day of April, 2022.

Village Clerk
(SEAL)