

ORDINANCE NO. 139

AN ORDINANCE REQUIRING THE INSTALLATION AND MAINTENANCE OF GREASE TRAPS IN ALL COMMERCIAL AND INDUSTRIAL LOCATIONS WITHIN THE DISTRICT; REQUIRING A PERMIT FOR SAID INSTALLATIONS AND A PERMIT FEE THEREFOR; REQUIRING INSPECTIONS THEREOF AND AN INSPECTION FEE THEREFOR; AND ESTABLISHING PENALTIES FOR THE FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE

WHEREAS, the NORTHFIELD WOODS SANITARY DISTRICT (hereinafter the "District"), Cook County, Illinois, has heretofore by proceedings had in a manner and form provided by law, been authorized to construct, install, operate and maintain a sanitary sewage system in and for said District and to enact and enforce all regulations and ordinances necessary to render such sewage of the District harmless to the public health, safety, welfare, comfort and convenience of the residents of this District, and for the improvement, care and protection of said system; and

WHEREAS, the operation and maintenance of said sewage system and the preservation of the public health, safety, welfare, comfort and convenience of the property owners and residents of the District would be seriously threatened and interfered with by the erection, installation and maintenance of inadequate, inefficient, unsound or improper sewers, conduits, pipes, tanks and/or plants for the collection, disposal, treatment and purification of the sewage; and

WHEREAS, the District has experienced a substantial growth in the establishment of commercial and industrial developments which growth has lead to an increased production of industrial and commercial waste and effluent matter entering the system; and

WHEREAS, the Board of Trustees (hereinafter the "Board"), of the District, believes that it is in the best interest of the District to control and regulate the influx of waste material and effluents, and preclude the discharge of grease, so that the public health, welfare, safety, comfort and convenience of the residents and property owners of the District shall not be endangered; and

WHEREAS, the Board has previously enacted Ordinance Nos. 92 and 96 dealing with installation and maintenance of grease traps in all commercial and industrial locations within the District; and

WHEREAS, the Board, upon the reports and recommendations of its Consulting Engineer and District Superintendent, held public hearings on May 9 and August 8, 1988, and April 4, May 3, June 12 and July 10, 1989, to consider the problem of excessive commercial and industrial waste discharge into the District's sewage system; and

WHEREAS, the Board, upon the taking of all relevant testimony and evidence at said public hearings, and upon the

advice and recommendation of the District's Superintendent and Consulting Engineer, has concluded that said Ordinance Nos. 92 and 96 no longer provide adequate control over the installation and maintenance of grease traps at commercial and industrial locations within the District; and

WHEREAS, it has been determined and established that an adequate police power ordinance on the subject of grease traps should be enacted establishing a system where the installation and maintenance of such grease traps in all commercial and industrial locations within the District is required, and requiring a permit and fee for said installation and further requiring inspections and fees therefor, and penalties for failure to comply with the provisions of said Ordinance; and

WHEREAS, the Board has, by Resolution 90-01, dated February 12, 1990, adopted grease trap installation rules and procedures as set forth in a document entitled "Grease Trap and Administration Guidelines of the Northfield Woods Sanitary District" dated February, 1990.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the NORTHFIELD WOODS SANITARY DISTRICT:

SECTION 1: INSTALLATIONS.

Section 1.1 Existing Installations.

All owners of property within the District upon which exist one or more commercial and/or industrial facilities whose

primary or auxiliary purpose is the preparation, service and/or sale of food stuffs shall, at said property owner's sole expense, cause to have installed and maintained grease trap facilities in a manner, size and type as set forth by the District's Grease Trap Administration Guidelines dated February, 1990, and as thereafter may from time to time be amended, which are hereby incorporated herein and made an integral part hereof.

Section 1.2 New Construction.

All owners of property within the District upon which it is proposed to construct one or more commercial and/or industrial facilities whose primary or auxiliary purpose is the preparation and service of food shall, prior to connection to the lines of the District, cause to have installed and maintained grease trap facilities in accordance with the aforementioned Grease Trap Administration Guidelines.

Section 1.3 Converted Use.

All owners of property within the District upon which exists a facility whose use is, after the date hereof, converted to a use whose primary or auxiliary purpose is the preparation and service of food shall, at said property owner's sole expense, cause to have installed and maintained grease trap facilities in accordance with the aforementioned Grease Trap Administration Guidelines for each and every such commercial and/or industrial facility as exists on the subject parcel. Installation of said

grease trap shall be completed on or before that date upon which the converted use becomes functional.

Section 1.4 Previously Authorized Variations.

Those facilities located within the District previously granted grease trap variations pursuant to Ordinance No. 96 shall comply with grease trap installation and maintenance requirements as set forth in the District's Grease Trap Administration Guidelines by July 31, 1992.

SECTION 2: PERMITS.

Section 2.1 Existing Facilities.

Applications for use permits shall be filed with the Clerk of the District by all owners of property within the District upon which exist one or more commercial and/or industrial facilities whose primary or auxiliary purpose is the preparation and service of food. Said application shall describe the location of the grease trap installation, the size thereof, the person, firm or corporation responsible for the installation of same and an agreement that the Applicant will comply with this Ordinance and any regulations issued pursuant thereto, and all other ordinances, laws and orders relating to the work to be done, and a stipulation that continued use of the District's facilities is contingent thereon. Application shall be made within sixty (60) days of written notification by the District.

Section 2.2 New Construction.

Applications for use permits shall be filed with the

Clerk of the District by owners of property within the District upon which it is proposed to construct one or more commercial and/or industrial facilities whose primary or auxiliary purpose will be the preparation and service of food. Said application shall describe the proposed location for the grease trap installation, the size thereof, the person, firm, or corporation responsible for the installation of same, the person, firm or corporation contracting for said installation, and an agreement that the Applicant will comply with this Ordinance and any regulations issued pursuant thereto, and all other ordinances, laws and orders relating to the work to be done, and a stipulation that continued use of the District's facilities is contingent thereon. Application shall be made a minimum of sixty (60) days prior to requested connection to the District's lines.

Section 2.3 Converted Use.

Applications for use permits shall be filed with the Clerk of the District by owners of property within the District upon which it is proposed to convert one or more commercial and/or industrial facilities to one whose primary or auxiliary purpose is to be the preparation and service of food. Said application shall describe the proposed location for the grease trap installation, the size thereof, the person, firm or corporation responsible for the installation of same, the person, firm or corporation contracting for said installation,

and an agreement that the Applicant will comply with this Ordinance and any regulations issued pursuant thereto, and all other ordinances, laws and orders relating to the work to be done, and a stipulation that continued use of the District's facilities is contingent thereon. Application shall be made a minimum of sixty (60) days prior to the date the converted use becomes functional.

Section 2.4 Failure to Comply.

Failure to comply with the application provisions of this paragraph may result in immediate disconnection from the sewage system of the District.

SECTION 3: INSPECTION.

The members of the Board of Trustees, the District Superintendent, the District Inspector, the District Engineer, and every other person authorized in writing by the Board shall have, during normal business hours, immediate and ready access to any premises, place or building within the District and it shall be unlawful for any person or corporation or other entity to interfere with, prevent, or obstruct said persons in their work hereunder.

SECTION 4: FEES.

Section 4.1

Every person, firm, corporation or other legal entity shall, upon application to the District for the installation

penalties or fines promulgated elsewhere in this Ordinance.

SECTION 5. USERS OTHER THAN PROPERTY OWNERS.

All terms and provisions of this Ordinance shall, at the direction of the Board, be fully and equally enforceable against property users, as well as property owners. For purposes of this Ordinance, users shall be deemed to include, but not be limited to, tenants, lessees, occupants or any other person or entity in actual control or possession of the property.

SECTION 6. ISSUANCE OF REGULATIONS.

The Board of Trustees may, from time to time, as it deems necessary, issue regulations, pursuant to this Ordinance, relating to the manner of making installations or the standard of maintenance required of said installation. Such regulations shall be considered to be a part of this Ordinance, shall be set forth in the District's Grease Trap Administration Guidelines manual and shall be available for inspection by an Applicant or Licensee at the office of the Clerk, Attorney and Consulting Engineer of the District.

SECTION 7. PENALTIES.

Any person, firm, corporation or other legal entity failing to comply with any of the provisions of this Ordinance, or with an order or regulation issued by the Board of Trustees hereunder, shall be fined an amount not less than FIFTY (\$50.00) DOLLARS nor more than TWO HUNDRED FIFTY (\$250.00) DOLLARS for

of a grease trap, deposit with the District an amount equal to the anticipated inspection, engineering and legal expenses to be incurred by the District relative to said installation. The amount of said deposit shall be determined by the District's Treasurer. The fees herein are to defray the costs to the District for preparation of documents, engineering review and the cost of any necessary supervision, inspection and regulation of installations as provided for by the terms of this Ordinance.

Prior to the District's issuance of final approval of use, any deficiency between the anticipated and actual expenses incurred by the District shall be paid by the Applicant to the District.

Section 4.2

Every person, firm, corporation or other legal entity issued a permit pursuant to this Ordinance shall, prior to permit issuance, pay a permit fee pursuant to the following schedule:

<u>Facility Category</u>	<u>Permit Fee</u>
I	\$ 50.00
II	\$100.00
III	\$100.00
IV	\$250.00

The fees provided for herein are to cover the costs to the District for the the processing of applications and issuance of permits.

Section 4.3

The fees set forth herein shall be in addition to any

each such offense, and each day that any such person, firm, corporation or other legal entity shall fail to comply with any of the provisions of this Ordinance or the orders or regulations issued hereunder shall constitute a separate and distinct offense. In addition to the fines above described, each person, firm, corporation or other legal entity shall be liable for all legal fees and court costs incurred by the Board and District in the furtherance of the enforcement of this Ordinance.

The Board is further authorized, upon its findings that continued connection of a facility to the District's lines while in non-compliance with the provisions of this Ordinance endangers the public safety, welfare, comfort or convenience of the District, may, upon thirty (30) day written notice of such action to the affected property owner and user, revoke an existing permit and discontinue usage of the District's lines by such facility until such facility is in full compliance with the provisions of this Ordinance; and the Board shall incur no liability by so doing. All disconnection and re-connection expenses and costs incurred by the District shall be borne by the property owner and user.

Upon a finding that a proposed use will not comply with this Ordinance, any regulations issued pursuant thereto, or any other applicable laws, regulations or ordinances, the Board is authorized to refuse the issuance of a permit.

SECTION 8. DETERMINATION BY THE BOARD.

Determinations of the Board of Trustees shall be based upon a finding that the proposed or existing installation, during installation and/or when installed, and/or as installed, will or does not comply with the terms of this Ordinance, any regulations issued pursuant hereto, or any other laws, order, regulation and ordinance relating to such installation, and that such installation will, may be or is detrimental to the public health, welfare, safety, comfort or convenience of the residents of the District, or to the proper operation of the District sewage system.

The Board shall find in what respect said installation does not comply with this Ordinance, any regulations issued pursuant thereto, or any other applicable laws, regulations or orders and ordinances or in what manner said installation is detrimental to the public health, safety, welfare, comfort or convenience of the residents of the District.

The Clerk of the District shall immediately notify the Applicant or user of the reason for the refusal or revocation of the permit.

An Applicant shall have the privilege of amending his application and re-submitting same within thirty (30) days after notification of such refusal, and the Board of Trustees shall determine whether to grant or refuse such a permit at its next meeting following the filing of the amended application.

A user will be granted a period of thirty (30) days within which to fully comply with the finding of the Board. Failure by the user to comply with the finding of the Board within the thirty (30) day grace period shall subject the user to the penalties as prescribed in Section 7 hereof.

All decisions of the Board shall be final.

SECTION 8. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided for by law.

PASSED this 11th day of April, 1990.

APPROVED this 11th day of April, 1990.

ATTEST:

APPROVED:

/s/ Walter E. Mazurowski
Clerk

/s/ Dana W. Mox
President

003NW790

STATE OF ILLINOIS)
)
COUNTY OF C O O K) SS.

C E R T I F I C A T E

I, WALTER E. MAZUROWSKI, do hereby certify that I am the duly qualified and acting Clerk of the Board of Trustees of the NORTHFIELD WOODS SANITARY DISTRICT, in the state and county aforesaid, and as said Clerk, I am the keeper of the records and files of the Board of Trustees of said Sanitary District; and

I do further certify that the foregoing is a full, true and complete copy of Ordinance No. 139, entitled, "An Ordinance Requiring the Installation and Maintenance of Grease Traps in All Commercial and Industrial Locations Within the District; Requiring a Permit for Said Installations and a Permit Fee Therefor; Requiring Inspections Thereof and an Inspection Fee Therefor; and Establishing Penalties for the Failure to Comply with the Provisions of this Ordinance", adopted at the regular meeting of the Board of Trustees of said Sanitary District held on the 11th day of April, 1990.

/s/ Walter E. Mazurowski (Seal)
Clerk, Board of Trustees

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