

**ORDINANCE NO. 886**

**AN ORDINANCE AMENDING  
ORDINANCE NO. 826, 754 AND  
708 – AMENDING SERVICE FEE  
PROVISIONS FOR PUBLIC USES  
AND ORDINANCE 622, 513 AND 607  
REGARDING CONNECTION FEES  
FOR PUBLIC BUILDINGS PAYABLE  
TO THE FOX RIVER WATER  
RECLAMATION DISTRICT**

WHEREAS, the Fox River Water Reclamation District ("District") has determined that it is in the best interest of the District to amend Ordinance No. 826 and Ordinance 754 and Ordinance No. 708 passed June 16, 2003, by which the District regulates service fees for annexation of new territory to the District, particularly including service fees for public uses; and

WHEREAS, the Fox River Water Reclamation District ("District") has determined that it is in the best interest of the District to amend Ordinance No. 622 and Ordinance 513 and Ordinance No. 607 by which the District regulates connection fees for buildings that connect to the District sewer system, particularly including fees for public uses; and

WHEREAS, changes in the state and national regulatory conditions have occurred since the adoption of Ordinance 708 and Ordinance 622 and related ordinances that have resulted in changes in the capital improvement needs of the District; and

WHEREAS, changes in the type and character of Public Uses as defined in the subject ordinances have occurred since their adoption that have resulted in a change on the impact of the capital improvement needs of the District; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOX RIVER WATER RECLAMATION DISTRICT, KANE AND COOK COUNTIES, ILLINOIS:**

**PART ONE:** From the period of January 1, 2018 to December 31, 2018, or until such time as an amendment of this ordinance, Ordinance 708 Section 5. Public Uses. shall provide for Service Fee waivers in the amount of not more than 66% of the Service Fee, as applicable, as set forth below:

## SECTION 5. Public Uses.

(A) Service Fees for Public Uses shall be established based upon this Section. Public Uses shall pay the same Service Fee as a Commercial/Industrial or Residential property and Mixed-Use properties, without limitation, as provided for in this ordinance, as amended from time to time. The General Manager shall determine the residential and commercial/industrial character of the development and determine the Service Fees accordingly, however, if upon written petition of the owner, agent of the owner or other interested party, or upon request by the staff of the District, or upon the request of one of the Members of the Board of Local Improvements of the District, requesting a reduction of the Service Fee, and after due consideration, the Board of Local Improvements of the District determines that such application for annexation, or connection, of or concerning a property classified by the General Manager as a Public Use as defined in this ordinance, as amended from time to time, is in the best interest of the residents of the District, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans, and after considering the following criteria, and such other criteria as the Board of Local Improvements may determine, that is to say:

- (1) the religious use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (2) the educational use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (3) the charitable use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (4) the existence of a conservation easement recorded against the property to be annexed that restricts development and imposes little or no demand for sewer use or treatment capacity, and the existence of an agreement with the landowner that requires fee payment in the event of a change in use;
  - (5) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (6) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant;
  - (7) such other criteria as the Board of Local Improvements may determine;
- then, the Board of Local Improvements, by motion, may reduce or eliminate the connection fees, for said Public Use by an amount up to Sixty Six percent (66%) of the then current Service Fee, except as provided herein below.

(B) The Service Fees for property that is subject to a conservation easement, governmental uses and for other situations wherein a government applicant has a reciprocal agreement or relationship with respect to the waiver of fees, as set forth in Section 5 (A) (4) and (5) then the fee waiver may be up to 100% of the Service Fee.

(C) The ordinance of annexation of a Development Parcel that is a Public Use may provide that the applicable Service Fees shall become due and payable at such time as the use ceases to be a Public Use or a change in use or transfer of ownership occurs.

**PART TWO:** From the period of January 1, 2019 to December 31, 2019, or until such time as an amendment of this ordinance, Ordinance 708 Section 5. Public Uses. shall provide for Service Fee waivers in the amount of not more than 33% of the Service Fee, as applicable, as set forth below:

**SECTION 5. Public Uses.**

(A) Service Fees for Public Uses shall be established based upon this Section. Public Uses shall pay the same Service Fee as a Commercial/Industrial or Residential property and Mixed-Use properties, without limitation, as provided for in this ordinance, as amended from time to time. The General Manager shall determine the residential and commercial/industrial character of the development and determine the Service Fees accordingly, however, if upon written petition of the owner, agent of the owner or other interested party, or upon request by the staff of the District, or upon the request of one of the Members of the Board of Local Improvements of the District, requesting a reduction of the Service Fee, and after due consideration, the Board of Local Improvements of the District determines that such application for annexation, or connection, of or concerning a property classified by the General Manager as a Public Use as defined in this ordinance, as amended from time to time, is in the best interest of the residents of the District, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans, and after considering the following criteria, and such other criteria as the Board of Local Improvements may determine, that is to say:

- (1) the religious use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (2) the educational use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (3) the charitable use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (4) the existence of a conservation easement recorded against the property to be annexed that restricts development and imposes little or no demand for sewer use or treatment capacity, and the existence of an agreement with the landowner that requires fee payment in the event of a change in use;
  - (5) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
  - (6) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant;
  - (7) such other criteria as the Board of Local Improvements may determine;
- then, the Board of Local Improvements, by motion, may reduce or eliminate the connection fees, for said Public Use by an amount up to Thirty Three percent (33%) of the then current Service Fee, except as provided herein below.

(B) The Service Fees for property that is subject to a conservation easement, governmental uses and for other situations wherein a government applicant has a reciprocal agreement or

relationship with respect to the waiver of fees, as set forth in Section 5 (A) (4) and (5) then the fee waiver may be up to 100% of the Service Fee.

(C) The ordinance of annexation of a Development Parcel that is a Public Use may provide that the applicable Service Fees shall become due and payable at such time as the use ceases to be a Public Use or a change in use or transfer of ownership occurs.

PART THREE: From and after January 1, 2020, or until such time as an amendment of this ordinance, Ordinance 708 Section 5. Public Uses. shall only provide for Service Fee waivers, in certain cases, as set forth below:

#### SECTION 5. Public Uses.

(A) Service Fees for Public Uses shall be established based upon this Section. Public Uses shall pay the same Service Fee as a Commercial/Industrial or Residential property and Mixed-Use properties, without limitation, as provided for in this ordinance, as amended from time to time. The General Manager shall determine the residential and commercial/industrial character of the development and determine the Service Fees accordingly, however, if upon written petition of the owner, agent of the owner or other interested party, or upon request by the staff of the District, or upon the request of one of the Members of the Board of Local Improvements of the District, requesting a reduction of the Service Fee, and after due consideration, the Board of Local Improvements of the District determines that such application for annexation, or connection, of or concerning a property classified by the General Manager as a Public Use as defined in this ordinance, as amended from time to time, is in the best interest of the residents of the District, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans, and after considering the following criteria, and such other criteria as the Board of Local Improvements may determine, that is to say:

- (1) the existence of a conservation easement recorded against the property to be annexed that restricts development and imposes little or no demand for sewer use or treatment capacity, and the existence of a recordable covenant or declaration with the landowner that requires fee payment in the event of a change in use;
- (2) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (3) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant.

(B) The Service Fees for property that is subject to a conservation easement, governmental uses and for other situations wherein a government applicant has a reciprocal agreement or relationship with respect to the waiver of fees, as set forth in Section 5 (A) (1) (2) or (3) then the fee waiver may be up to 100% of the Service Fee.

**(C)** The ordinance of annexation of a Development Parcel that is a Public Use may provide that the applicable Service Fees shall become due and payable at such time as the use ceases to be a Public Use or a change in use or transfer of ownership occurs.

**PART FOUR:** From the period of January 1, 2018 to December 31, 2018, or until such time as an amendment of this ordinance, Ordinance 622 Section 7.02(g) Public Buildings shall provide for Connection Fee waivers in the amount of not more than 66% of the Connection Fee, as applicable, as set forth below:

**SECTION 7.02(g). Public Buildings.**

**Section 7.02 Connection Fees:**

**(g)** Public Buildings - Public Buildings shall pay the same connection fee as a commercial, residential, industrial facility, and hotels, motels, nursing homes, combination uses, dishwashers, carwashes, pretreatment dischargers, and all other similar uses, without limitation, as provided for in ORDINANCE 229, as amended from time to time. If upon written petition of the owner, agent of the owner or other interested parties, or upon request by the staff of the FOX RIVER WATER RECLAMATION DISTRICT, or upon the request of one of the Trustees of the Board of Trustees, or upon motion of one of the members of the Board of Local Improvements, requesting a reduction of the connection fee, and after due consideration, the Board of Local Improvements determines that such application for connection of a Public Building, as defined by ORDINANCE NO. 229, Section 1.32, as amended from time to time, is in the best interest of the residents of the FOX RIVER WATER RECLAMATION DISTRICT, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans and the capital or operating budget or plans of its contractual providers, including the Village of West Dundee or the Metropolitan Water Reclamation District of Greater Chicago, and after considering the following criteria, and such other criteria as the Board may determine, that is to say:

**(A)** the religious use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;

**(B)** the educational use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;

**(C)** the charitable use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;

**(D)** the existence of a conservation easement recorded against the property to be annexed that restricts development and imposes little or no demand for sewer use or treatment capacity, and the existence of a recordable covenant or declaration with the landowner that requires fee

payment in the event of a change in use;

(E) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;

(F) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant;

(G) such other criteria as the Board of Trustees may determine;

then, the Board of Local Improvements, by motion, may reduce or eliminate the connection fees, for said Public Building by an amount up to Sixty Six percent (66%).

The Service Fees for property that is subject to a conservation easement, governmental uses and for other situations wherein a government applicant has a reciprocal agreement or relationship with respect to the waiver of fees, as set forth in Section 7.02(g) (D) (E) and (F) then the connection fee waiver may be up to 100% of the Connection Fee.

**PART FIVE:** From the period of January 1, 2019 to December 31, 2019, or until such time as an amendment of this ordinance, Ordinance 622 Section 7.02(g) Public Buildings shall provide for Connection Fee waivers in the amount of not more than 33% of the Connection Fee, as applicable, as set forth below:

#### **SECTION 7.02(g). Public Buildings.**

##### **Section 7.02 Connection Fees:**

(g) **Public Buildings - Public Buildings shall pay the same connection fee as a commercial, residential, industrial facility, and hotels, motels, nursing homes, combination uses, dishwashers, carwashes, pretreatment dischargers, and all other similar uses, without limitation, as provided for in ORDINANCE 229, as amended from time to time. If upon written petition of the owner, agent of the owner or other interested parties, or upon request by the staff of the FOX RIVER WATER RECLAMATION DISTRICT, or upon the request of one of the Trustees of the Board of Trustees, or upon motion of one of the members of the Board of Local Improvements, requesting a reduction of the connection fee, and after due consideration, the Board of Local Improvements determines that such application for connection of a Public Building, as defined by ORDINANCE NO. 229, Section 1.32, as amended from time to time, is in the best interest of the residents of the FOX RIVER WATER RECLAMATION DISTRICT, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans and the capital or operating budget or plans of its contractual providers, including the Village of West Dundee or the Metropolitan Water Reclamation District of Greater Chicago, and after considering the following criteria, and such**

other criteria as the Board may determine, that is to say:

- (A) the religious use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (B) the educational use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (C) the charitable use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (D) the existence of a conservation easement recorded against the property to be annexed that restricts development and imposes little or no demand for sewer use or treatment capacity, and the existence of an agreement with the landowner that requires fee payment in the event of a change in use;
- (E) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (F) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant;
- (G) such other criteria as the Board of Trustees may determine;

then, the Board of Local Improvements, by motion, may reduce or eliminate the connection fees, for said Public Building by an amount up to Thirty Three percent (33%).

The Service Fees for property that is subject to a conservation easement, governmental uses and for other situations wherein a government applicant has a reciprocal agreement or relationship with respect to the waiver of fees, as set forth in Section 7.02(g) (D) (E) and (F) then the connection fee waiver may be up to 100% of the Connection Fee.

**PART SIX:** From and after January 1, 2020, or until such time as an amendment of this ordinance, Ordinance Section 7.02(g) Public Buildings shall only provide for Service Fee waivers, in certain cases, as set forth below:

**SECTION 7.02(g). Public Buildings.**

(g) **Public Buildings** - Public Buildings shall pay the same connection fee as a commercial, residential, industrial facility, and hotels, motels, nursing homes, combination uses, dishwashers, carwashes, pretreatment dischargers, and all other similar uses, without limitation, as provided

for in ORDINANCE 229, as amended from time to time. If upon written petition of the owner, agent of the owner or other interested parties, or upon request by the staff of the FOX RIVER WATER RECLAMATION DISTRICT, or upon the request of one of the Trustees of the Board of Trustees, or upon motion of one of the members of the Board of Local Improvements, requesting a reduction of the connection fee, and after due consideration, the Board of Local Improvements determines that such application for connection of a Public Building, as defined by ORDINANCE NO. 229, Section 1.32, as amended from time to time, is in the best interest of the residents of the FOX RIVER WATER RECLAMATION DISTRICT, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans and the capital or operating budget or plans of its contractual providers, including the Village of West Dundee or the Metropolitan Water Reclamation District of Greater Chicago, and after considering the following criteria, and such other criteria as the Board may determine, that is to say:

- (A) the existence of a conservation easement recorded against the property to be annexed that restricts development and imposes little or no demand for sewer use or treatment capacity, and the existence of an agreement with the landowner that requires fee payment in the event of a change in use;
- (B) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (C) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant.

The Service Fees for property that is subject to a conservation easement, governmental uses and for other situations wherein a government applicant has a reciprocal agreement or relationship with respect to the waiver of fees, as set forth in Section 7.02(g) (D) (E) and (F) then the connection fee waiver may be up to 100% of the Connection Fee.

**PART SEVEN:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law. All ordinances, resolutions or orders or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.



FOX RIVER WATER RECLAMATION DISTRICT

  
\_\_\_\_\_  
President

ATTEST:  
  
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Clerk

Passed this 10<sup>th</sup> day of April, 2017.

VOTE: AYES: 5      NAYS: 0      ABSTAIN: 0

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