

CITY OF NOKOMIS

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Sandy Leithuser COUNTY CLERK

ORDINANCE NO. 2041

**ORDINANCE ESTABLISHING A COST REIMBURSEMENT
PROGRAM FOR THE INSTALLATION OF OVERHEAD
SEWERS OR BACKFLOW PREVENTION DEVICES**

**ADOPTED BY THE CITY COUNCIL
OF THE
CITY OF NOKOMIS**

THIS 11TH DAY OF SEPTEMBER 2017

**Published in pamphlet form by authority of the City Council of the City of Nokomis,
Montgomery County, Illinois, this 12th day of September, 2017.**

ORDINANCE NO. 2041

ORDINANCE ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR THE INSTALLATION OF OVERHEAD SEWERS OR BACKFLOW PREVENTION DEVICES

WHEREAS, City of Nokomis has a cost reimbursement program initiated with Ordinance No. 2041; and

WHEREAS, the City of Nokomis has an ongoing sanitary sewer system repair and rehabilitation program to reduce infiltration and inflow; and

WHEREAS, despite the sanitary sewer system repair and rehabilitation program and the City's best efforts, some City residents have experienced sanitary sewer backups during periods of heavy rainfall; and

WHEREAS, the City has determined that the installation of overhead sewers or backflow prevention devices may prevent future occurrences of sanitary sewer backups; and

WHEREAS, the City has determined that a cost reimbursement program for the installation of overhead sewers or backflow prevention devices may be beneficial; and

WHEREAS, the City has determined that certain requirements for a cost reimbursement program are necessary to protect the City's sanitary sewer system, the integrity of such a program, and the financial well-being of the City,

BE IT ORDAINED by the Council of the City of Nokomis as follows:

That a cost reimbursement program for the installation of overhead sewers or backflow prevention devices is hereby established in accordance with the following requirements:

- 1) The City will reimburse a property owner up to \$4,000 for the installation of a City approved overhead sewer system or backflow prevention device.
- 2) The program applies to all buildings within city limits connected to the City of Nokomis collection system.
- 3) The program shall apply to installation of overhead sewers or backflow prevention devices made on or after the effective date of this Ordinance. The City shall, in its sole discretion, determine the eligibility of installations for this program.
- 4) Financial participation of the City is limited to funds budgeted for the program. Funding levels may be changed or eliminated based on the City's annual review of the program.
- 5) The program is limited to the actual cost of the overhead sewer or backflow prevention device installation, subject to the funding limitations described above, but does not include incidental costs such as landscape restoration, structure repair, painting, tile, carpeting, etc.

- 6) The Owner(s) of the building where the overhead sewer or backflow prevention device is installed must agree to release and waive any claim, suit or liability against the City from any previous or future sanitary sewer backups or any consequence of the selection of the system to be installed, contractor to be utilized, installation of the system, operation of maintenance of the system once it is installed, or the eligibility, participation or funding priority in the program.
- 7) The Owner(s) of the building must allow the City to observe the building prior to the City's determination of eligibility for the program and allow observation by the City during and after installation of the overhead sewer or backflow prevention device. All sources associated with the Owner's building and potential sources of infiltration and inflow must be eliminated, at the Owner's expense, as part of this program. The Owner(s) must allow the City to observe the building following participation in the program and completion of the installation to ensure that all infiltration and inflow into the City sanitary sewer system has been eliminated and that the overhead sewer or backflow prevention device was installed.
- 8) The City shall develop, subject to approval of the City Council, program requirements necessary to implement the program.
- 9) The City shall review all applications for participation, including the proposals for installation, and may require revisions thereon to comply with applicable City ordinances and requirements.
- 10) The City shall have the sole authority to determine eligibility for participation, prioritization of requests and compliance with all City ordinances. Any appeal of decisions shall be made to the City Council as the final authority.
- 11) The program will be evaluated from time to time in the City's discretion and the City may change or eliminate the program.

BE IT ORDAINED, this Ordinance shall be published in pamphlet form and take effect thereafter.

Passed by the City Council and signed by the Mayor of the City of Nokomis, Illinois this 11th day of September, 2017.


AYES: Commissioners: Voyles, Brookshire, Hard, Voils, and Mayor Hill
NAYS: None
ABSTAIN: None
ABSENT: None

(CORPORATE SEAL)



Terry Hill, Mayor

ATTEST:



Angela Keagy, City Clerk

CITY OF NOKOMIS
COST REIMBURSEMENT PROGRAM FOR THE INSTALLATION OF OVERHEAD
SEWERS OR BACKFLOW PREVENTION DEVICES

PROGRAM REQUIREMENTS

The City will provide funds to building Owners located within the City of Nokomis, who have or may have experienced sanitary sewer backups during periods of heavy rainfall for the installation of overhead sewer or backflow prevention devices.

The City has determined that certain requirements for the cost reimbursement program are necessary to protect the City's sanitary sewer system, the integrity of such a program and the financial well-being of the City.

A cost reimbursement program for the installation of overhead sewers or backflow prevention devices is hereby implemented in accordance with the following requirements.

- 1) The City will reimburse an Owner(s) up to \$4,000.00 of installing a City approved overhead sewer system or backflow prevention device.
- 2) The Program applies to all buildings, connected to the City sanitary sewer collection system.
- 3) The Program shall apply to installation of overhead sewers or backflow prevention devices made on or after the date of this Ordinance.
- 4) Financial participation of the City is limited to funds budgeted for the Program. Said funding level may be changed or eliminated based on the City's annual review of the Program.
- 5) Application will be classified into the following priority groups for purposes of determining funding eligibility.
 - a) First priority: One or more sanitary sewer backups have occurred at the building and been reported to the City. The Owner(s) must provide documentation of previous sanitary sewer backups. Prior reports of sewer backups to the City either by telephone or in writing at the time of the backup or by submittal of a Sanitary Sewer Backup Report shall constitute adequate documentation of a sanitary sewer backup.
 - b) Second priority:
 1. Any building which has the potential to experience sanitary sewer backups as a result of an insufficient elevation differential between the building's internal plumbing and the City's sanitary sewer system. No sanitary sewer backups have occurred at the property, but the Owner(s) is desirous of installing an overhead sewer or backflow prevention device as a preventive measure.

2. A building for which the overhead sewer or backflow prevention device was installed from the date of approval of this policy.

Applications from the first priority group will be funded on a first come, first served basis within available budget limitations. Applications not funded in a fiscal year will be carried over to the next fiscal year and funded in accordance with the above procedures.

6. An Owner desiring to participate in this Program must complete the following steps:
 - a) Complete and sign Application for Participation.
 - b) City observes the building and issues a notice of eligibility or non-eligibility to the Owner(s). Said notice may include the sources or potential sources of infiltration and inflow which must be removed as a requirement of this Program.
 - c) Upon receipt of a notice of eligibility from the City, the Owner(s) obtains proposals from contractors as described in Item 13. If the Owner(s) does not submit all of the required information within six (6) months of the date of the notice of eligibility, the Owner(s) must resubmit an Application for Participation form and such application will be treated as a new application for determination of funding eligibility.
 - d) City reviews proposals, provides Owner(s) with preliminary approval and provides agreement for Owner(s) signature. Owner(s) must return signed agreement and signed proposal with selected contractor within thirty (30) days of the date of the preliminary approval.
 - e) Owner(s) and licensed and insured contractor obtain all permits (if applicable) and complete the work.
 - f) Upon completion of the work, premises are observed by the City and the appropriate building authority. Upon approval by the City and the appropriate building authority, acceptance by the Owner(s), and submission of a paid receipt from the contractor to the Owner(s) or invoice from the contractor, reimbursement will be made directly to the Owner(s) or Owner(s) and contractor if an unpaid invoice is submitted. (The Owner(s) is also encouraged to obtain an appropriate waiver of lien from the contractor for Owner(s)'s protection.) Said reimbursement will be made in the City's normal course of business.
- 7) Owner(s) of the building where the overhead sewer or backflow prevention device is installed must execute an agreement which includes a clause whereby the Owner(s) release and waive any claim of liability against the City from any previous or future sanitary sewer backups or any consequence of the selection of the system to be installed, the contractor to be utilized, installation of the system, operation or maintenance of the system once it is installed, or the eligibility, participation or funding priority in this Program.

If a backflow prevention device is installed, the City will record a memorandum of the agreement against the property. Said memorandum shall serve as notice that a backflow prevention device has been installed on the property which requires maintenance for proper operation.

- 8) No Owner(s) shall be eligible for participation unless the Owner(s) and the building where the overhead sewer or backflow prevention device is or has been installed are in compliance with all City ordinances, including, but not limited to, payment of all fees and charges due to the City.
- 9) An Owner(s) shall be eligible for participation more than once for the same property. However, in no case, shall the total reimbursement from the City for any one property exceed the limits prescribed in Paragraph 1 above.
- 10) The Program will be evaluated from time to time in the City's discretion and the City may change or eliminate the Program.
- 11) The Owner(s) must allow the City to observe the building prior to the City's determination of eligibility for this Program. This observation may include a television inspection of all underground waste piping and of the entire service lateral pipe from the building to the point of connection to the City sewer, and it may also include rainfall simulation testing. All sources and potential sources of infiltration and inflow must be eliminated as part of this Program at the Owner(s)'s sole cost. Infiltration and inflow includes any storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas, cistern overflow or water from air-conditions systems, industrial cooling operations or any other unpolluted water. If no sump pump for collecting and removing ground water is present in the building, one must be installed and any existing footing tiles, window well drains, and exterior area drains must be reconnected to the new storm water sump pump. The discharge of the new storm water sump pump should either be to a storm sewer or to grade on the exterior of the building, as far from the building sanitary sewer lateral as possible. The costs of the installation of the storm water sump pump, as well as incidental under floor connections to existing footing tiles or drains, are eligible for reimbursement under this Program. The installation of a footing tile drainage system around the entire basement and extensive reconstruction of the service lateral are not eligible for reimbursement under this Program.
- 12) The Program is limited to the actual cost of the overhead sewer or backflow prevention device installation and the installation of a sump pump as required by Item 11 above, subject to the funding limitations contained herein, but does not include incidental costs such as landscape restoration, painting, tile, carpeting, etc.
- 13) The Owner(s) must provide the City with proposals from a minimum of two licensed and insured contractors for the type of backup prevention selected by the Owner(s) prior to authorizing the work. If the desired backup prevention is not an overhead sewer, a proposal for an overhead sewer conversion must also be submitted. An overhead sewer does not rely upon a backflow valve or device and is believed to be the best prevention method. All proposals must provide sufficient detail for the City to determine the exact method of installation, the cost for labor and materials, the

portion of the work not eligible for this Program under Items 11 and 12 above, and compliance with all City ordinances. The City's participation in the funding will be based on the lowest cost proposal.

- 14) The Owner(s) must obtain a no-charge City sewer permit for the work and must obtain a permit, at the Owner(s)'s expense, from the appropriate building authority (i.e. municipality or county), if required. After issuance of the permits, any changes or modifications to the work will require review and approval of the City and the appropriate building authority.
- 15) The contractor hired by the Owner(s) to perform the work must be licensed and insured, providing proof upon request.
- 16) The City is not a party to any contract between the Owner(s) and the contractor.
- 17) To be eligible for this Program, the installation of an overhead sewer shall meet the following requirements.
 - a. Overhead sanitary sewers must provide to all floor levels that are less than one foot (1') above the elevation of the rim of the City manhole immediately upstream of the point of connection of said building into the City sanitary sewer system. Plumbing fixtures on a building floor level below an overhead sewer shall drain into the ejector pit. The elevations described above shall be included in the contractor's proposal.
 - b. A properly vented ejector basin shall be installed for all installations under this Program. Ejector basins must comply with all City and appropriate building authority requirements and shall be a minimum size of 18 inches wide by 36 inches deep (18" x 36"). Ejector basins must be at least ten feet (10') from any storm water sump pits.
 - c. The capacity of the ejector pump must be specified in the contractor's proposal. The smallest capacity pump suitable for the proposed installation must be specified.
 - d. Connections to the proposed ejector pump must be specifically listed on the contractor's proposal and all such connections shall be for the disposal of sanitary wastes only.
 - e. A sketch indicating the proposed work must be included with each proposal.
 - f. The City shall have the right to enter the building for observation upon completion of the work and to impose penalties if the capacity of the ejector pump exceeds the capacity allowed by Item c above. All such penalties shall be imposed in accordance with City ordinances prescribing penalties for ordinance violations as may be in effect at the time the violation of this section is discovered.
- 18) All work under this Program must comply with City and applicable municipal or county ordinances, codes and requirements. In the event of any conflict between the

City and municipal or county ordinances, codes or requirements, the City shall prevail.

- 19) The Owner(s) may elect to proceed with the work even though funding is not available. Reimbursement will be made when budgeted funds become available in accordance with this Program. Such installations must comply with all requirements of this Program to be eligible for future reimbursement.
- 20) The City may provide a waiver of those Program requirements listed above which deems appropriate based on evaluation of the individual circumstances related to a request for reimbursement.
- 21) The City shall have the sole authority to determine eligibility for participation, prioritization of requests and compliance with all City ordinances.

Summary of Time Frames Required by Program Requirements

- 1) City receives properly completed Application for Participation.
- 2) City observes the building and issues a Notice of Eligibility or Non-Eligibility to the Owner(s).
- 3) If Owner(s) receives Notice of Eligibility, Owner has six (6) months from the date of the Notice to submit all required information. The Notice of Eligibility shall identify all sources of infiltration and inflow which must be eliminated at the Owner(s) expense.
- 4) Upon receipt of all required information, City reviews and issues preliminary approval and provides Agreement for Cost Reimbursement Program for Owner(s) signature. Owner(s) must return signed Agreement and signed proposal for installation of the backflow prevent device and repair of infiltration and inflow sources identified in the Notice of Eligibility with selected contractor within (30) days of the date of preliminary approval.
- 5) Upon submittal to the City of the signed Agreement and signed proposal with selected contractor, Owner(s) and contractor must obtain all permits (if required), complete the work, request observation by the City and the building authority, and submit an invoice or paid receipt within six (6) months of the date of the preliminary approval. Upon receipt of an unpaid invoice, the City will write a two-party check to the contractor and home owner after approval by the City Council at the next Council meeting.
- 6) If Owner(s) fails to comply within the allotted time frames detailed above, funding priority ceases and Owner(s) must submit new Application for Participation and such application will be treated as a new application for determination of funding eligibility.

**APPLICATION FOR PARTICIPATION IN CITY OF NOKOMIS
COST REIMBURSEMENT PROGRAM
FOR THE INSTALLATION OF OVERHEAD SEWERS
OR BACKFLOW PREVENTION DEVICE**

I/We hereby request participation in the City of Nokomis Cost Reimbursement Program for the Installation of Overhead Sewers or Backflow Prevention Devices, hereinafter called "the Program".

I/We own, and this application is for, the following described property:

Address: _____

Legal Description: _____

P.I.N.: _____

(You may obtain the legal description and P.I.N. – Permanent Index Number – for your property from your real estate tax bill or online at www.montgomeryco.com and click on the MONTGOMERY COUNTY GIS MAP.)

I/We have received and accepted a copy of the Program Requirements attached to and made a part of this application.

I/We agree to allow the City of Nokomis or its representatives to make any and all observations and testing as detailed in the Program Requirements.

I/We have received a copy of the Agreement for the Cost Reimbursement Program and understand that said Agreement must be signed upon notice of preliminary approval as detailed in the Program Requirements.

Dated this _____ day of _____, _____.

Printed Name

Signature

Printed Name

Signature

Phone Number

Mailing Address

**AGREEMENT FOR COST REIMBURSEMENT PROGRAM
FOR THE INSTALLATION OF OVERHEAD SEWERS OR
BACKFLOW PREVENTION DEVICES**

This Agreement is made this _____ day of _____, _____, by and between the City of Nokomis ("City") and _____
_____ ("Owner(s)") of the premises located at:

Address: _____

Legal Description: _____

P.I.N.: _____

(You may obtain the legal description and P.I.N. – Permanent Index Number – for your property from your real estate tax bill or online at www.montgomeryco.com and click on the MONTGOMERY COUNTY GIS MAP.)

Whereas, the City has a cost reimbursement program for the installation of overhead sewers or backflow prevention devices ("Program"); and

Whereas, Owner(s) desire to participate in the Program.

Now, therefore, in consideration of the mutual covenants contained herein, the City and the Owner(s) hereby agree to the following terms and conditions:

- 1) Owner(s) have read and understand and accept the program requirements attached to and made a part of this Agreement.
- 2) Upon compliance of Owners with all terms and conditions as stated in the Program information, the City will provide a reimbursement to the Owner(s) as allowed by this Program.
- 3) Owners release and discharge the City of Nokomis, its Mayor, Council Members, Officers, Employees, Engineers and Agents, and agree to indemnify them and hold them harmless from and against all liability, damage, loss, claims, demands and actions of any nature whatsoever resulting from, arising out of, or relating in any way to sanitary sewer backups or participation in this Cost Reimbursement Program.
- 4) Owners state that they are the Owners of the premises listed above, that they have read and understand this Agreement, and that they have signed this Agreement as their free and voluntary act.

CITY OF NOKOMIS

OWNER(S)

Signature

Signature(s)

Title

Printed Name(s)

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) SS.
CITY OF NOKOMIS)

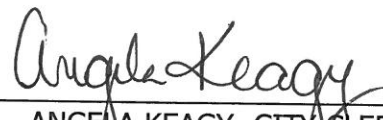
I, Angela Keagy, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on September 11, 2017 the City Council of such municipality passed and approved **ORDINANCE NO. 2041, AN ORDINANCE ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR THE INSTALLATION OF OVERHEAD SEWERS OR BACKFLOW PREVENTION DEVICES**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2041 including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on September 12, 2017 and continuing for a least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

DATED at Nokomis, Illinois, this 12 day of September, 2017.

(SEAL)



ANGELA KEAGY, CITY CLERK