



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Certified Copy

Ordinance: O14-003

File Number: O14-003

Authority to adopt an ordinance of the Metropolitan Water Reclamation District of Greater Chicago providing for the repeal of the Sewer Permit Ordinance, as amended July 1999, and the Manual of Procedures for the Administration of the Sewer Permit Ordinance, as amended November 1998, except Article 6-5 of the Manual of Procedures for the Administration of the Sewer Permit Ordinance and any corresponding provisions of the Sewer Permit Ordinance necessary to implement Article 6-5, effective May 1, 2014

I, Jacqueline Torres, Clerk of the Metropolitan Water Reclamation District of Greater Chicago, and keeper of its official records and seal DO HEREBY CERTIFY that the attached File Number O14-003, was duly presented and passed at the meeting of the Board of Commissioners held on 04/17/2014.

I HEREBY CERTIFY that said File Number remains in full force and effect and has not been rescinded, modified or amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Metropolitan Water Reclamation District of Greater Chicago.

Attest:

Handwritten signature of Jacqueline Torres in cursive script.

Jacqueline Torres

April 23, 2014

Date Certified



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Text File

File Number: O14-003

Agenda Date: 4/17/2014

Version: 1

Status: To Be Introduced

In Control: Stormwater Management Committee

File Type: Ordinance

Agenda Number: 44

ORDINANCE FOR BOARD MEETING OF APRIL 17, 2014

Authority to adopt an ordinance of the Metropolitan Water Reclamation District of Greater Chicago providing for the repeal of the Sewer Permit Ordinance, as amended July 1999, and the Manual of Procedures for the Administration of the Sewer Permit Ordinance, as amended November 1998, except Article 6-5 of the Manual of Procedures for the Administration of the Sewer Permit Ordinance and any corresponding provisions of the Sewer Permit Ordinance necessary to implement Article 6-5, effective May 1, 2014

Ordinance O14-003

AN ORDINANCE of the Metropolitan Water Reclamation District of Greater Chicago providing for the repeal of the Sewer Permit Ordinance, as amended July 1999, and the Manual of Procedures for the Administration of the Sewer Permit Ordinance, as amended November 1998, except Article 6-5 of the Manual of Procedures for the Administration of the Sewer Permit Ordinance and any corresponding provisions of the Sewer Permit Ordinance necessary to implement Article 6-5

WHEREAS, the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago (District) has full power and authority to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of the Board of Commissioners and the corporation and for carrying into effect the object for which the District is formed; and

WHEREAS, on October 3, 2013, the Board of Commissioners adopted the Watershed Management Ordinance (WMO), which becomes effective May 1, 2014, and sets forth regulations and permitting related to, among other things, erosion and sediment control, drainage and detention, isolated wetlands, floodplain, riparian areas, and qualified sewer construction for development and redevelopment; and

WHEREAS, the WMO will replace the Sewer Permit Ordinance (SPO) and Manual of Procedures for the Administration of the Sewer Permit Ordinance (MOP) as the SPO and MOP relate to the regulation, permitting and enforcement of qualified sewer construction, and those regulations are now contained within the WMO; and

WHEREAS, Article 6-5 of the MOP (Correction of Existing Deficiencies in Separate Sewered Areas), which relates to the Sewer Summit Agreement dated September 1985, will remain in effect until such time that Article 6-5 is replaced by Article 8 (currently reserved) of the WMO; and

WHEREAS, it is now deemed necessary to repeal the existing SPO and MOP, except Article 6-5 of the MOP and any corresponding provisions of the SPO necessary to implement Article 6-5 of the MOP, as both ordinances will be replaced by the WMO; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago:

SECTION ONE — INCORPORATION OF RECITALS

The above recitals are incorporated herein and made a part hereof.

SECTION TWO — REPEALER OF SEWER PERMIT ORDINANCE

This Ordinance hereby repeals the SPO, as amended July 1999, in its entirety, with the exception of those corresponding provisions of the SPO necessary to implement Article 6-5 of the MOP.

SECTION THREE—REPEALER OF MANUAL OF PROCEDURES FOR THE ADMINISTRATION OF THE SEWER PERMIT ORDINANCE, EXCEPT ARTICLE 6-5 OF THE MANUAL OF PROCEDURES FOR THE ADMINISTRATION OF THE SEWER PERMIT ORDINANCE AND ANY CORRESPONDING PROVISIONS OF THE SEWER PERMIT ORDINANCE NECESSARY TO IMPLEMENT ARTICLE 6-5

- This Ordinance hereby repeals the MOP of the SPO, as amended November 1998, except Article 6-5 of the MOP (Correction of Existing Deficiencies in Separate Sewered Areas) and any corresponding provisions of the SPO necessary to implement Article 6-5 of the MOP.

SECTION FOUR — SAVINGS CLAUSE

- a. Permittees and co-permittees that hold Sewerage System Permits issued prior to the effective date of this Ordinance, and the District, will retain all rights, obligations, and liabilities under the SPO and MOP as they existed prior to their repeal.
- b. Proposed development for which a complete Sewerage System Permit application has been accepted by the District prior to the effective date of the WMO, and the District, will retain all rights, obligations, and liabilities under the SPO and the MOP as they existed prior to their repeal.

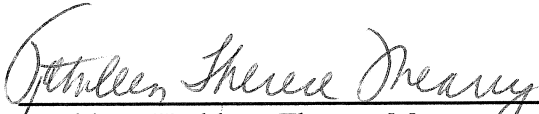
SECTION FIVE—SEVERABILITY

If any provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this Ordinance.

SECTION SIX—EFFECTIVE DATE

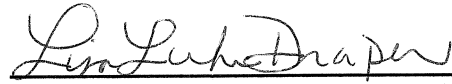
This Ordinance shall take effect on May 1, 2014.

Approved:



President, Kathleen Therese Meany
Metropolitan Water Reclamation District of
Greater Chicago

Approved as to Form and Legality:



Head Assistant Attorney, Lisa Luhrs Draper



General Counsel, Ronald M. Hill

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 17, 2014

COMMITTEE ON STORMWATER MANAGEMENT

Mr. David St. Pierre, Executive Director

..Title

Authority to adopt an ordinance of the Metropolitan Water Reclamation District of Greater Chicago providing for the repeal of the Sewer Permit Ordinance, as amended July 1999, and the Manual of Procedures for the Administration of the Sewer Permit Ordinance, as amended November 1998, except Article 6-5 of the Manual of Procedures for the Administration of the Sewer Permit Ordinance and any corresponding provisions of the Sewer Permit Ordinance necessary to implement Article 6-5, effective May 1, 2014

..Body

Dear Sir:

The Board of Commissioners adopted the Watershed Management Ordinance (WMO) on October 3, 2013, which will become effective on May 1, 2014. The Engineering Department determined that it was most efficient to merge the regulations in the Sewer Permit Ordinance (SPO) and its companion Ordinance, the Manual of Procedures for the Administration of the Sewer Permit Ordinance (MOP), into the WMO.

There are circumstances where the enactment of a new ordinance automatically repeals the former ordinance, but only if the terms and operation of the earlier ordinance are so repugnant to the terms and operation of a new one that both cannot stand. Such is not the case here. In this case, neither the SPO nor the MOP is repugnant to or in conflict with the WMO. In fact, the SPO and the MOP will be replaced by the WMO, effective May 1, 2014, with the exception of Article 6-5 of the MOP (Correction of Existing Deficiencies in Separate Sewered Areas), which relates to the Sewer Summit Agreement dated September 1985; Article 6-5 will remain in effect until such time that Article 6-5 is replaced by Article 8 (currently reserved) of the WMO.

Therefore, under the law, neither the SPO nor the MOP may be repealed by simply enacting the WMO. The Board of Commissioners must enact an ordinance expressly repealing the SPO and the MOP.

The effect of an express repeal of an ordinance is to eliminate the ordinance and end all proceedings growing out of such ordinance as if it had never been passed, unless saved by a general savings clause or a clause in the repealing ordinance. Without a savings clause, the SPO and MOP will be considered to have never existed, will no longer be effective in the future, and will divest any rights to proceed under them. Therefore, a savings clause will be provided in the repeal ordinance for certain classifications of persons affected by the WMO. Notice regarding the repeal of the SPO and MOP and their savings provisions is set forth in Article 1, §104 of the WMO.

In summary, the repeal ordinance will provide as follows:

- The SPO, as amended July 1999, and the MOP of the SPO, as amended November 1998, except Article 6-5 of the MOP (Correction of Existing Deficiencies in Separate Sewered Areas) and any corresponding provisions of the SPO necessary to implement Article 6-5, will be repealed effective May 1, 2014.

- Permittees and co-permittees that hold Sewerage System Permits issued prior to the effective date of this Ordinance, and the District, will retain all rights, obligations, and liabilities under the SPO and MOP as they existed prior to their repeal.
- Proposed development for which a complete Sewerage System Permit application has been accepted by the District prior to the effective date of the WMO, and the District, will retain all rights, obligations, and liabilities under the SPO and the MOP as they existed prior to their repeal.
- The repeal will take effect on May 1, 2014.

Accordingly, it is respectfully requested that the Executive Director recommend to the Board of Commissioners that it approve and adopt the Ordinance for the Repeal of the Sewer Permit Ordinance, as amended July 1999, and the Manual of Procedures for the Administration of the Sewer Permit Ordinance, as amended November 1998, except Article 6-5 of the Manual of Procedures for the Administration of the Sewer Permit Ordinance and any corresponding provisions of the Sewer Permit Ordinance necessary to implement Article 6-5, effective May 1, 2014.

Requested, Catherine A. O'Connor, Director of Engineering, CAQ:RMH:LLD:PS:nm

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Michael A. Alvarez, Chairman Committee on Stormwater Management

Disposition of this agenda item will be documented in the official Regular Board Meeting

Minutes of the Board of Commissioners for April 17, 2014