

## CHAPTER 38

## UTILITIES

## ARTICLE I – DEPARTMENT ESTABLISHED

**38-1-1**        **WATERWORKS AND SEWERAGE DEPARTMENTS.**    There is hereby established a Waterworks Department and a Sewerage Department. **(Ord. No. 786; 05-26-92)**

**38-1-2**        **SUPERINTENDENT'S DUTIES.**    There shall be a Superintendent of the Waterworks Department and a Superintendent of the Sewerage Department to be appointed by the City Council and they shall be referred to as "Superintendent". The appointed Superintendents shall have supervision over all buildings, sewers, manholes, mains, treatment works, wells, appurtenances, and equipment used in the furnishing of waterworks and sewerage service in the City and shall see that the objects and purposes of their respective Departments are carried out and that the waterworks and sewerage systems are operated in an economical, businesslike basis; and for this purpose it shall be the duty of such Superintendents and all of the officers, employees and servants of their respective Departments to enforce all of the provisions of this Code and to observe and obey and carry out the orders and directions of the City Council. The Superintendent shall prepare and keep at the City Hall a complete Atlas of the waterworks and sewerage systems with all connections and other appurtenances distinctly recorded therein. **(Ord. No. 786; 05-26-92)**

**38-1-3**        **COMPENSATION.**    The Superintendents and other officers and employees of the Waterworks and Sewerage Departments shall receive as compensation for their services amounts to be fixed by the City Council from time to time. **(Ord. No. 786; 05-26-92)**

**38-1-4**        **MONTHLY REPORT.**    Each Superintendent shall, if not later than the **first (1<sup>st</sup>) Monday** of every month or oftener if required, submit a report in writing to the City Council listing therein, but not limited to, the following data:

- (A)            Applications for service to be approved by the Superintendent.
- (B)            Number of metered and unmetered customers connected to the system at the beginning and the end of the period.
- (C)            Sale of water at plant (automatic salesman).
- (D)            Details of any major repairs and extension to the system or other facts pertinent to his duties in the conduct of his office. **(Ord. No. 786; 05-25-92)**

**38-1-5**        **BOOKS OF ACCOUNT.**    The City Clerk shall keep or cause to be kept full and complete books of accounts separate and apart from any other records of his office showing in detail all monies received by him for the Waterworks and Sewerage Departments with dates and sources. He shall also keep such other books relating to the Waterworks and Sewerage Departments as the City Council may from time to time direct.

**38-1-6**        **READ METERS, BILL FOR SERVICES, ETC.**    The Superintendent of the Waterworks Department or such officer or employee as the City Council shall direct shall read water meters of the City, take water and sewer applications, and shall perform such other duties as now are or may hereafter be imposed upon him by law or the Code of the City.

## ARTICLE II - RATES AND REGULATIONS

**38-2-1      CONTRACT FOR UTILITY SERVICES.**

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage system and every person, company or corporation, hereinafter called a "**customer**" who accepts and uses City water and sewer services shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the services are to be discontinued.

**(H)      Billing; Utility Shut-off; Hearing.**

(1) All bills for utility services shall be due and payable upon presentation which will usually be the **first (1<sup>st</sup>) day** of the month. If a bill is not paid by the **fifteenth (15<sup>th</sup>) day** of the month, a penalty equal to **Ten Dollars (\$10.00)** or **ten percent (10%)** of the amount due on said bill, whichever is higher, shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services. **(Ord. No. 937; 04-09-07)**

(2) Any customer who fails to pay the utility bills within **twenty (20) days** of presentation shall have the utility services disconnected after a written notice by the Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **fifteen (15) days** after billing, specifically advising the customer of the following:

- (a) Name and address of the customer and amount of the bill.
- (b) The date, time, and location of the hearing to be held.
- (c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.

- (d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (e) The date of termination.
- (3) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the City based on the information received at the hearing. **(See Appendix "E")**
- (4) The customer shall be notified within **two (2) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the City shall also have the right to terminate the customer's utility services without further proceedings.
- (6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.
- (7) Once the date of disconnection is reached, the same shall not be again connected or used until all delinquent accounts and current bills of service are paid in full, including an additional fee of **Fifty Dollars (\$50.00)** for each utility service, plus expenses incurred in the reconnecting of the utility services. This policy applies to each and every utility service whether or not the service is actually disconnected. **(Ord. No. 937; 04-09-07)**
- (8) The City may also make use of credit bureaus to report late payments and failures to pay water and sewer bills. **(Ord. No. 937; 04-09-07)**

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Treasurer has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City.

The City Attorney is hereby authorized to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **ninety (90) days** after it has been rendered.

**38-2-2 CONSUMER LISTS.** It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services,

showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

**38-2-3**      **LIABILITY FOR CHARGES.** The owner, occupant, or the user of services of any lot, parcel of land or premises shall be liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be liable therefor to the City. **(Ord. No. 2018; 07-11-16)**

**38-2-4**      **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

**38-2-5**      **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

**38-2-6**      **UTILITY DEPOSITS.**

(A)      **Users.**

(1)      **Users That Are Property Owners.** A Utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the owner discontinues use from the City at which time the deposit will be returned to the owner, provided however, that said user shall have paid for all utility service and charges. If the owner has paid for usage for **twelve (12) continuous months** in timely fashion, the deposit will be returned at that time.

(2)      **Users Other Than Property Owners.** A utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the user discontinues use from the City at which time the deposit will be returned to the user, provided however, that said user shall have paid for all utility service and charges. If the renter/contract-for-deed tenant has paid for usage for **twenty-four (24) continuous months** in timely fashion, the deposit will be returned at that time. **(Ord. No. 2018; 01-11-16)**

(B)      **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(C)      **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit.

**38-2-7**      **FREE SERVICE; METERS.** No free service of the combined waterworks and sewerage system shall be furnished to any user, either a person, firm, organization or corporation, public or private. Every user of the combined waterworks system shall have a meter. It shall be the duty of the Superintendent of the combined waterworks and sewerage system of the City to maintain all meters of the system in good and accurate working condition, and to replace all meters as he shall determine have become inaccurate or faulty. Also, he shall report the master meter reading to the City Clerk on the **first (1<sup>st</sup>)** of each month.

The City shall hereafter be divided into **two (2) sections**, one section being designated "Section A" and the other section being designated as "Section B" for the determination and collection of water and sewer rates in the City. The water and sewer users in the respective sections shall be billed in alternate months. The City Council shall determine the respective months for the determination and billing of the water users in each section. **(Ord. No. 785; 05-26-92)**

**38-2-8**      **TESTING METERS.** Any water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of **Twenty-Five Dollars (\$25.00)**. If upon the testing of the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the fee returned to the consumer.

**38-2-9**      **SHUT OFF – TURN-ON – CALL OUT FEES.** The user shall pay a fee of **Fifty Dollars (\$50.00)** for temporary shut off of water service to the premises other than during the hours of **8:00 A.M. to 4:00 P.M.** Monday through Friday. No fee shall be due upon termination of service, other than as stated above.

If a user has water service shut off for a delinquent account, and the utility deposit was previously returned to them, a new utility deposit in the amount of **One Hundred Fifty Dollars (\$150.00)** will be required prior to water service being turned back on. See **Section 38-2-6** for new utility deposit refunds.

After a shut off that has been made for the aforesaid reasons, the user or owner shall install a stop and waste cock on every supply pipe just inside the building before water service shall be restored to the premises. The user or owner shall also be present when the water is shut off and turned on unless a waiver releasing the City from all liability is signed. See **Section 38-3-22** for materials to be used. **(Ord. No. 2018; 01-11-16)**

## ARTICLE III - WATER SYSTEM

## DIVISION I – DEFINITIONS AND TERMS

**38-3-1** **DEFINITIONS AND TERMS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

**"FEDERAL GOVERNMENT".**

- (A) **"Federal Act"** means the Federal 1996 Safe Drinking Water Act Amendments.  
 (B) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

**"STATE GOVERNMENT".**

- (A) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.  
 (B) **"Director"** means the Director of the Illinois Environmental Protection Agency.  
 (C) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

**"LOCAL GOVERNMENT".**

- (A) **"Ordinance"** means this Chapter.  
 (B) **"City"** means the City Council of the City of Nokomis.  
 (C) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

**"CLARIFICATION OF WORD USAGE".** "Shall" is mandatory; "may" is permissible.

**"WATER AND ITS CHARACTERISTICS":**

- (A) **"ppm"** shall mean parts per million by weight.  
 (B) **"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.  
 (C) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

**"CURB COCK"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

**"EASEMENT"** shall mean an acquired legal right for the specific use of land owned by others.

**"SERVICE BOX"** shall mean a valve box used with corporation or curb cock.

**"TYPES OF CHARGES":**

- (A) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in **Article II** and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.  
 (B) **"User Charge"** shall mean the charge levied on users of water works for the cost of operation, maintenance and replacement.  
 (C) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.

(D) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(E) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the waterworks.

(F) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

(G) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(H) **"Useful Life"** shall mean the estimated period during which the waterworks will be operated.

(I) **"Water Fund"** is the principal accounting designation for all revenues received in the operation of the water system.

**(Ord. No. 846; 05-11-98)**

**38-3-2 - 38-3-4      RESERVED.**

## **DIVISION II - GENERAL REGULATIONS**

**38-3-5      APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Appendix "A")**

**38-3-6      ALL SERVICE TO BE BY METER.** All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

**38-3-7      INSPECTION.**

(A) **Access to Premises.** The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.

**38-3-8**      **METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

**38-3-9**      **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

**38-3-10**      **RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

**38-3-11**      **DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

**38-3-12**      **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected **five (5) days** after notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

**38-3-13**      **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water and Sewer Department on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent of the Water and Sewer Department.



**38-3-14**      **FIRE HYDRANTS.**

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the City Limits, shall be owned, maintained and used only by the City and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the City and after approved application to the City.

(B) The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the City Limits owned by the City shall be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

**38-3-15**      **LIMITED WATER USAGE IN EMERGENCIES.**

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

- (1) the washing of cars and other vehicles;
- (2) the sprinkling of lawns and shrubbery;
- (3) the watering of gardens;
- (4) other nonessential uses;

and it shall be unlawful for any person to so use water from the City supply during such an emergency.

**38-3-16**      **SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

**38-3-17**      **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-3-18**      **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

**38-3-19 USE OF WATER ON CONSUMER'S PREMISES.** The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

**38-3-20 REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

**38-3-21 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

**38-3-22 MATERIALS.** All service pipes to any meter on the premises from the City mains at the corporation cock shall be of at least 200 pound test polyethylene or Type K Copper Pipe to be approved by the Superintendent; and, after the same is installed, it shall, prior to closing of the ditch and turning on of the water, be inspected and approved by the Superintendent. In addition, all service pipes to any premises shall be laid at least **four (4) feet** below the surface of the grade lines of the street and shall extend at right angles to and from the street main to the inside of the curb line where a curb cock shall be attached and valve box placed. There shall be a stop and waste cock placed on every supply pipe just inside the building or cellar. Every connection or service pipe shall be laid with not less than **six (6) inches** slack; such slack shall not be more than **two (2) feet** from the main and laid in such a manner as to prevent settling. No service pipe shall be laid in the same trench with any sewer, gas or other pipe.

All service pipes, meters, fittings and other materials used for the extension, construction or replacement of any and all service pipes in the City shall be made domestically in the United States of America. **(Ord. No. 812; 07-31-95)**

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

**38-3-23 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY.** Within the City limits, the following shall be the cost apportionment. Any repairs to the service lines or taps between the water main and the water meter, curb stop or property line, whichever is closest to the City main water line shall be at the City's expense. The owner shall bear all expense for all plumbing installation and repairs from the above defined point onward.

Outside the City limits, all installation, maintenance and repair expense shall be the owner's except for the cost of the standard **three-fourths (3/4) inch** meter. **(Ord. No. 872; 06-26-00)**

**38-3-24 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the City will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The City expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the City.

**38-3-25 PRIVATE WATER SYSTEMS PROHIBITED.** No person having his residence or place of business within the territorial limits of the City waterworks and sewerage system shall be permitted to secure water for such residence or place of business located in the City otherwise than through the water mains of the City whenever the water mains of the water system of the City are adjacent to or within **one hundred (100) feet** of any subdivided lot or parcel of real estate upon which the residence or place of business is located.

**38-3-26 CONNECTION TO PUBLIC WATER MAIN REQUIRED.** In all cases where a public water main is not installed or hereafter may be installed in any street, alley, public way or easement in the City, all inhabitants or users located on any lot or parcel of real estate fronting, abutting on, or within a distance of **one hundred (100) feet** from the public water main to the nearest property line of any such subdivided lot or parcel of real estate on any such street, alley, public way or easement, shall, at their expense, make or cause to be made connection to such public water main within **three (3) months** after the installation of such public water main if the same be not now installed. All users shall discontinue, within the same period of time, any connection which they theretofore may have had with any other private water supply.

**38-3-27 ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

**38-3-28 ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss

or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

**38-3-29 - 38-3-30 RESERVED.**

**DIVISION III - CROSS-CONNECTION ADMINISTRATION**

**38-3-31 APPROVED BACKFLOW DEVICE.** All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**38-3-32 CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person 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 regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**38-3-33 INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

**38-3-34 RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

**38-3-35 NOTICE TO CUSTOMER; RECONNECT FEE.**  
 (A) The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he

may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

**38-3-36** **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-3-37 - 38-3-40** **RESERVED.**

#### **DIVISION IV - CROSS-CONNECTION CONTROL CODE**

**38-3-41** **PURPOSE.** The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

**38-3-42** **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

**38-3-43** **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The

consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-3-47(D)** below for a period of at least **five (5) years**. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

**38-3-44 DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

**"Fixed Proper Air Gap"** means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

**"Agency"** means Illinois Environmental Protection Agency.

**"Approved"** means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

**"Auxiliary Water System"** means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

**"Backflow"** means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

**"Backflow Prevention Device"** means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

**"Consumer" or "Customer"** means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

**"Consumer's Water System"** means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

**"Contamination"** means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

**"Cross-Connection"** means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

**"Direct Cross-Connection"** means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

**"Indirect Cross-Connection"** means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

**"Double Check Valve Assembly"** means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

**"Health Hazard"** means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

**"Inspection"** means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

**"Non-potable Water"** means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

**"Plumbing"** means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

**"Pollution"** means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

**"Potable Water"** means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

**"Potential Cross-Connection"** means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

**"Process fluid(s)"** means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

**"Public Water Supply"** means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations,

treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

**"Reduced Pressure Principle Backflow Prevention Device"** means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

**"Service Connection"** means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

**"Survey"** means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

**"System Hazard"** means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

**"Used Water"** means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

**"Water Purveyor"** means the owner or official custodian of a public water system.

**38-3-45      WATER SYSTEM.**

(A)            The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B)            The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.

(C)            The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D)            The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E)            The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

**38-3-46      CROSS-CONNECTION PROHIBITED.**

(A)            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 approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.



(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

**38-3-47**      **SURVEY AND INVESTIGATIONS.**

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with **225 ILCS 320/3**.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) Testing and Records
  - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
  - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with **415 ILCS 5/4e**.
  - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
  - (d) A maintenance log shall be maintained and include:
    1. date of each test;
    2. name and approval number of person performing the test;
    3. test results;
    4. repairs or servicing required;
    5. repairs and date completed; and
    6. serving performed and date completed.

**38-3-48**      **WHERE PROTECTION IS REQUIRED.**

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35

Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

**38-3-49 TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-38** of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve

assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

**38-3-50      BACKFLOW PREVENTION DEVICES.**

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

**38-3-51      INSPECTION AND MAINTENANCE.**

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) 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.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;

- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-51(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

**38-3-52 BOOSTER PUMPS.**

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

**38-3-53 VIOLATIONS AND PENALTIES.**

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent.

(D) Neither the City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(E) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(F) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

**38-3-54 - 38-3-60 RESERVED.**

## DIVISION V - EXTENSION OF MAINS

**38-3-61**      **DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.** The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. **(See Chapter 34 for Design Requirements.) (See Appendix "D")**

**38-3-62**      **EXTENSIONS OF WATER MAINS.** Any property owner or developer desiring to extend the public water main for the benefit of his property may do so at his own expense. Minimum main size shall be **four (4) inches** in diameter or larger where required by the master plan on file with the City Clerk or where required by the future growth in the vicinity of the extension. All construction shall be in accordance with the **Standard Specifications for Water and Sewer Main Construction in Illinois, 3<sup>rd</sup> Edition**. Pipe to be used shall be Class 150 Cast Iron or 200 psi PVC pipe conforming to accepted current standards of ASTM 1784 (for Schedule 40, 80 and 160 pipe, ASTM 2241, (SDR-DR) and No. 14 of the Sanitation Foundation (NSF) and be appropriately marked as specified by the Foundation. Minimum acceptable pipe is one having standard dimension ration of 21 (SDR-DR) and Type 1, Grade 1 materials with a hydrostatic design stress of 2,000 psi for water at 23 C. for a working pressure of 200 psi. Joints shall be of the rubber gasket type. All construction shall be subject to the inspection of the Superintendent or other designated representatives.

All fittings, pipes, fire hydrants, valves and other materials used for the extension, construction or replacement of water mains in the City shall be made domestically in the United States of America.

**38-3-63**      **EASEMENTS.** Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

**38-3-64**      **SIZE AND TYPE.** The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

**38-3-65**      **TITLE.** Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

**38-3-66**      **MAINTENANCE AND REPLACEMENT.** The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

**38-3-67 - 38-3-70**      **RESERVED.**

## **DIVISION VI – GROUNDWATER REGULATIONS**

**38-3-71**      **USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.**  
The area within, which the use of groundwater as a potable water supply is prohibited, is comprised of the following parcels/addresses/brief legal descriptions: 08-22-504-003 (Union Pacific Railroad), 08-22-282-003 (100 South Hickory Street, Nokomis IL) (E 120' N 125' LOT 1 BLK 59 P C HUGGINS & TRUSTEES 10-2-1293 & 1294 S T00 R), 08-22-427-002, 08-22-427-012 (111 Morgan Street, Nokomis, IL) (W 120' LOT 1 BLK 59 P C HUGGINS & TRUSTEES 10-2-1287 S T00 R). The attached aerial map, 0001A, illustrates the location of the area affected by the ordinance.

Except for such uses or methods in existence before the effective date of this Article, the use or attempt to use as a potable water supply groundwater from within the limited area within the City, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited within the area described in this Section and in the aerial map 0001A. This prohibition expressly includes the City as being subject to this Article.

**38-3-72**      **DEFINITIONS.**

**"Person"** is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

**"Potable water"** is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

**38-3-73**      **PENALTIES.** Any person violating the provisions of this Division shall be subject to a fine as provided in **Section 1-1-20.**

**(Ord. No. 2019; 01-11-16)**

## ARTICLE IV - UTILITY RATES

## DIVISION I - GENERAL

**38-4-1**            **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

**38-4-2**            **REVENUES.** All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the Clerk separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Clerk not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

The Clerk shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the City".

The Clerk shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II) (Ord. No. 786; 05-22-92) (Ord. No. 846; 05-11-98)**

**38-4-3**            **ACCOUNTS.** The Clerk shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of sewer users discharging non-domestic wastes (industrial users) and volume of waste discharged. **(Ord. No. 846; 05-11-98)**

**38-4-4**            **NOTICE OF RATES.** A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

**38-4-5**            **REVIEW.** The adequacy of utility service charges shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. The utility service charges shall be revised periodically to reflect a change in local capital costs or operation, maintenance and replacement costs. **(Ord. No. 846; 05-11-98)**

**38-4-6**            **ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of water or sewer charges or industrial sewer cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant and/or loan. **(Ord. No. 846; 05-11-98)**

**38-4-7**            **APPEALS.** The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within **thirty (30) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies. **(Ord. No. 846; 05-11-98)**

**38-4-8 - 38-4-9**    **RESERVED.**

## DIVISION II - WATER RATES

**38-4-10 WATER SERVICE CONNECTIONS.**

(A) No connections with the water main shall be made without a permit being issued and **twenty-four (24) hours** notice having been given to the Waterworks Superintendent or his duly authorized representative. Applications for such connections must be made to the City Clerk, together with a fee of **Seven Hundred Fifty Dollars (\$750.00)** for each connection within the City limits and a fee of **One Thousand Dollars (\$1,000.00)** for each connection outside the City limits. The City shall install the tap and service line in the City limits which will include a **three-fourths (3/4) inch** line and single-family residence meter. Outside the City limits, only the **three-fourths (3/4) inch** single family residence meter shall be provided. In either case, if the water line to be connected is more than **three-fourths (3/4) inch** in diameter or a larger meter is required, an extra fee shall be charged for additional materials. For connections outside the City limits, all such connections shall be made and all such work shall be done only by a plumber licensed by the State of Illinois and duly authorized by the City. (**Ord. No. 872; 06-26-00**)

(B) **Illinois Plumbing Code.** All water tap and service connections made to the mains of the Waterworks System of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the City's water and sewer department.

(C) **Maintenance of Water Lines.** The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the City. The City shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter, curb stop or property line, whichever is closest to the City main water line. The property owner shall be responsible for the service line from the above-described point onward. Such installation on the property of the owner shall be under the inspection of the Superintendent or his duly authorized representative.

(D) For connections outside the City limits, as a condition precedent to qualifying for a permit, and before making any connection to the City's water system, the plumber engaged for such work shall provide the City with satisfactory proof of liability insurance to indemnify and save harmless the said City from any and all claims for loss or damage sustained that may directly or indirectly be occasioned by the plumber's street openings and work performed on public property. The amount of such insurance shall be not less than **Two Hundred Fifty Thousand Dollars (\$250,000.00)** for death or personal injury to **one (1) person, Five Hundred Thousand Dollars (\$500,000.00)** for each occurrence and **One Hundred Thousand Dollars (\$100,000.00)** for property damage.

(E) The liability insurance required under this Section may be "blanket coverage" for the entire period covering all proposed hookups. Additionally, the fact of liability insurance under this Section shall be a matter of public record, and any person making inquiry therein shall not be compelled to file for such information under Freedom of Information Act formalities. (**Ord. No. 872; 06-26-00**)

**38-4-11 RATES ESTABLISHED.** There shall be established the following rates and charges for the use of the waterworks system of the City, as follows:

(A) **Base Rate.** All users of the water distribution system shall pay a minimum monthly bill of **Eight Dollars Seventy-Five Cents (\$8.75)** service charge per billing period for users inside the City limits and **Eighteen Dollars Seventy-Five Cents (\$18.75)** service charge per billing period for users outside the City limits (the "Base Rate"), per connection to the system. All users of the water distribution system will be increased incrementally in a **three (3) phase rate increase** to the Base Rate per connection, as follows:

**Phase 1** - Effective **June 1, 2021** on bills having a due date of **August 15, 2021: Ten Dollars Seventy-Five Cents (\$10.75)** for users inside the City limits and **Twenty Dollars Seventy-Five Cents (\$20.75)** for users outside the City limits.

**Phase 2** - Effective **May 1, 2022** on bills having a due date of **June 15, 2022: Thirteen Dollars Seventy-Five Cents (\$13.75)** for users inside the City limits and **Twenty-Three Dollars Seventy-Five Cents (\$23.75)** for users outside the City limits.

**Phase 3** - Effective **September 1, 2022** on bills having a due date of **November 15, 2022: Seventeen Dollars (\$17.00)** for users inside the City limits and **Twenty-Seven Dollars (\$27.00)** for users outside the City limits.

(B) **Variable Use Rate.** The following rates are established, in addition to the Base Rate, based upon the amount of water consumed:

(1) **Water Rates Inside City Limits.**

\$7.05 for each 1,000 gallons per month

Effective **June 1, 2021** on bills having a due date of **August 15, 2021: Seven Dollars Nineteen Cents (\$7.19)** for each **one thousand (1,000) gallons** per month

Effective **May 1, 2022** on bills having a due date of **July 15, 2022: Seven Dollars Thirty-Three Cents (\$7.33)** for each **one thousand (1,000) gallons** per month

Effective **September 1, 2022** on bills having a due date of **November 15, 2022: Seven Dollars Forty-Eight Cents (\$7.48)** for each **one thousand (1,000) gallons** per month

(2) **Water Rates Outside City Limits.**

\$10.27 for each 1,000 gallons per month

Effective **June 1, 2021** on bills having a due date of **August 15, 2021: Ten Dollars Forty-Eight Cents (\$10.48)** for each **one thousand (1,000) gallons** per month

Effective **May 1, 2022** on bills having a due date of **July 15, 2022: Ten Dollars Sixty-Eight Cents (\$10.68)** for each **one thousand (1,000) gallons** per month

Effective **September 1, 2022** on bills having a due date of **November 15, 2022: Ten Dollars Ninety Cents (\$10.90)** for each **one thousand (1,000) gallons** per month



- (3) **Annual Adjustment.** Beginning **May 1, 2023**, and each year thereafter, the Variable Use Rate applied to water rates per 1,000 gallons for customers both inside and outside City limits shall be automatically adjusted upwards by applying to the previous rates an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent January 1<sup>st</sup>.

(C) **Capital Improvement Surcharge.**

- (1) **Surcharge Established.** There shall be and there is hereby established a capital improvements surcharge which shall be assessed on all users of the waterworks system and added to each water bill when rendered.
- (2) **Rate of Surcharge Imposed.** Each user of the waterworks system shall be assessed the sum of **Six Dollars (\$6.00)** for each month of service provided by the waterworks system. Said surcharge shall be in addition to any and all other charges imposed for waterworks service. Said surcharge shall not apply to "Bulk Water Sales."
- (3) **User Defined.** For the purposes of this Section, "user" shall be defined as any residence, each unit of a multi-unit commercial or residential building, and each user within another entity using the City of Nokomis water treatment or distribution system.
- (4) **Effective Date of Surcharge.** The capital improvements surcharge shall be effective, and shall be included, for all bills rendered on or after **June 1, 2021** and having a due date of **August 15, 2021**.
- (5) **Itemization of Surcharge.** The capital improvements surcharge shall be included on all bills for waterworks service rendered and shall be separately itemized on each such billing.
- (6) **Creation of Account.** In addition to any and all accounts maintained by the City Treasurer for the combined waterworks and sewerage system, there is hereby established a "capital water improvement surcharge account" on the books and records of the City. All proceeds of the capital improvements surcharge collected by the City Treasurer shall be credited to said account.
- (7) **Partial Payments of Bills.** In the event that a bill including the capital improvements surcharge is paid in part by a user, the City Treasurer shall first credit the funds received to the "capital improvements surcharge account" then credit the remainder to the combined waterworks and sewerage system.
- (8) **Use of Surcharge Funds.** Funds credited to the "capital improvements surcharge account" shall be used only for the construction, improvements, extension, and rehabilitation of the combined waterworks and sewerage system. In connection therewith, the City may pay with funds credited to the account the principal of and interest on any bonds or other evidence of indebtedness the proceeds of which are to be used for any or all of such purposes. The City Council may authorize the use of funds credited to the account for engineering and planning services necessary to determine the design, cost, or need of construction, improvements, extension, and rehabilitation of the combined waterworks and sewerage system. The City Council may authorize the use of funds credited to the account for payment of the cost of repairs to be combined waterworks and sewerage system when it determines that such repairs are necessary to maintain the proper functioning of the combined waterworks and sewerage system or any component thereof.

(D) **Bulk Water Sales.**

- (1) **Water Rates by Tank Loads.** \$0.75 per 100 gallons.
- (2) **Village of Coalton.** In the absence of a written intergovernmental agreement approved by and between the Village of Coalton (the "Village") and the City, the following rates are established:  
 \$5.66 for each 1,000 gallons per month  
 Effective **June 1, 2021**: \$7.00 for each 1,000 gallons per month  
 Effective **May 1, 2022**: \$8.00 for each 1,000 gallons per month  
 Effective **September 1, 2022**: \$9.00 for each 1,000 gallons per month  
 Beginning **May 1, 2023**, and each year thereafter, the water rate per 1,000 gallons to the Village shall be automatically adjusted upwards by applying to the previous rate an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent **January 1<sup>st</sup>**.

A **one percent (1%)** rate increase will be applied to water rates per **one thousand (1,000) gallons** inside and outside City limits annually on **May 1<sup>st</sup>** to account for inflation.  
**(Ord. No. 2075; 05-24-21)**

**38-4-12**            **REQUESTED SHUT-OFF.** If water service is shut off at a user's request, there shall be a **Twenty Dollar (\$20.00)** fee to restore water service within the City limits and a **Thirty Dollar (\$30.00)** fee to restore water service outside the City limits. (**Ord. No. 2075; 05-24-21**)

**38-4-13 - 38-4-30**            **RESERVED.**

### DIVISION III - WASTEWATER SERVICE CHARGES

**38-4-31**            **BASIS FOR WASTEWATER SERVICE CHARGES.** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge, applicable surcharges, and debt service charge.

(A)            The **debt service charge** is computed by dividing the annual debt service of all outstanding bonds by the number of users.

(B)            The **basic user charge** shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

(1)            A **five (5) day twenty degree centigrade (20°C)** biochemical oxygen demand **BOD of 200 mg/l**.

(2)            A suspended solids (SS) content of **250 mg/l**.

(C)            It shall be computed as follows:

(1)            Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

(2)            Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.

(3)            Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.

(4)            Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.

(5)            Compute costs per 1000 gallons for normal sewage strength.

(6)            Compute surcharge costs per pound per 1000 gallons in excess of normal sewage strength for BOD and SS.

(D)            A **surcharge** will be levied to all users whose waste waters exceed the normal domestic concentrations of **BOD 200 mg/l and SS 225 mg/l**. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the **200 mg/l and 225 mg/l** concentration for BOD and SS respectively. (**Section 38-4-56** specifies the procedure to compute a surcharge.)

(E)            The **adequacy of the wastewater service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and reserve fund costs.

(F)            The **capital improvement charge** is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per 1,000 gallons.

(G)            The **users** of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

**38-4-32**            **MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons**.

(A)            If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

(B)            Devices for measuring the volume of waste discharged may be required by the Approving Authority if these volumes cannot otherwise be determined from the metered water consumption records.

(C)            Metering devices for determining the volume of waste shall be installed and maintained by the person and owned by the City. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the City.

**38-4-33**            **RATES ESTABLISHED.** There shall be established the following rates and charges for the use of the wastewater system of the City, as follows:

(A)            **Base Rate.** All users of the wastewater system shall pay a minimum monthly bill of **Seven Dollars Twenty-Five Cents (\$7.25)** service charge per billing period for users inside the City limits and **Twelve Dollars Twenty-Five Cents (\$12.25)** service charge per billing period for users outside the City limits (the "Base Rate"), per connection to the system. All users of the water distribution system will be increased incrementally in a three (3) phase rate increase to the Base Rate per connection, as follows:

**Phase 1** – Effective **July 1, 2022** on bills having a due date of **September 15, 2022: Eleven Dollars Eighty Cents (\$11.80)** for users inside the City limits and **Seventeen Dollars Seventy Cents (\$17.70)** for users outside the City limits.

**Phase 2** – Effective **May 1, 2023** on bills having a due date of **July 15, 2023: Fifteen Dollars Twenty-One Cents (\$15.21)** for users inside the City limits and **Twenty-Two Dollars Eighty-Two Cents (\$22.82)** for users outside the City limits.  
**Phase 3** – Effective **May 1, 2024** on bills having a due date of **July 15, 2024: Twenty Dollars Ninety Cents (\$20.90)** for users inside the City limits and **Thirty-One Dollars Thirty-Five Cents (\$31.352)** for users outside the City limits.

(B) **Variable Use Rate.** The following rates are established, in addition to the Base Rate:

(1) **Rates Inside City Limits.**

\$6.53 per 1,000 gallons per month  
 Effective **July 1, 2022** on bills having a due date of **September 15, 2022:** \$7.15 for each 1,000 gallons per month  
 Effective **May 1, 2023** on bills having a due date of **July 15, 2023:** \$7.65 for each 1,000 gallons per month  
 Effective **May 1, 2024** on bills having a due date of **July 15, 2024:** \$8.40 for each 1,000 gallons per month

(2) **Rates Outside City Limits.**

\$9.82 per 1,000 gallons per month  
 Effective **July 1, 2022** on bills having a due date of **September 15, 2022:** \$10.73 for each 1,000 gallons per month  
 Effective **May 1, 2023** on bills having a due date of **July 15, 2023:** \$11.48 for each 1,000 gallons per month  
 Effective **May 1, 2024** on bills having a due date of **July 15, 2024:** \$12.60 for each 1,000 gallons per month

(3) **Annual Adjustment.**

Beginning **May 1, 2025**, and each year thereafter, the Variable Use Rate applied to wastewater rates per 1,000 gallons for customers both inside and outside City limits shall be automatically adjusted upwards by applying to the previous rates an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent **January 1<sup>st</sup>**.

(C) **Meter Fee.** A fee of **Five Dollars (\$5.00)** shall be charged each month for each meter in service in the Nokomis Wastewater System, whether said meter is located within or outside the City limits. Said charge shall be added to each bill when rendered.

(D) **Village of Coalton.** Notwithstanding the foregoing paragraphs, and in the absence of a written intergovernmental agreement approved by and between the Village of Coalton (the "Village") and the City, the following wastewater rates are established:

\$2.87 for each 1,000 gallons per month  
 Effective **July 1, 2022:** \$5.56 for each 1,000 gallons per month  
 Effective **May 1, 2023:** \$7.58 for each 1,000 gallons per month  
 Effective **May 1, 2024:** \$10.95 for each 1,000 gallons per month

Beginning **May 1, 2025**, and each year thereafter, the wastewater rate per 1,000 gallons to the Village shall be automatically adjusted upwards by applying to the previous rate an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent **January 1<sup>st</sup>**.

(Ord. No. 2090; 06-27-22)

**38-4-34 SURCHARGE RATE.** For waste strengths above normal strength of **200 mg/l BOD** and **250 mg/l SS**, a surcharge of **\$0.16 per pound BOD** and **\$0.10 per pound SS** shall be applied. The surcharge for each monthly period shall be computed by the following formula:

$$\begin{aligned} SC/BOD &= (x - 200) \times A \times .00833 \times \$0.16 \\ SC/SS &= (y - 250) \times A \times .00833 \times \$0.10 \end{aligned}$$

Where SC/BOD = Surcharge above the basic user rate for BOD concentration above 200 mg/l.  
 SC/SS = Surcharge above the basic user rate for SS concentration above 250 mg/l.  
 x = Average BOD concentration in mg/l  
 y = Average SS concentration in mg/l  
 A = Two-month metered flow adjusted for appropriate losses in thousand gallons.

**38-4-35 COMPUTATION OF SURCHARGE.** The concentration of wastes for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City Council and shall be binding as a basis for surcharges.

**38-4-36 COMPUTATION OF TOTAL WASTEWATER USER CHARGE.** The wastewater user service charge shall be computed by the following formula:

$$CW = MC + BC + SC/BOD + SC/SS$$

Where	CW	=	Total wastewater user charge
	MC	=	Minimum charge as set out in Article V, Section 38-4-33
	BC	=	Basic user charge as set out in Article V, Section 38-4-33
	SC/BOD	=	Surcharge for BOD as computed in Article V, Section 38-4-34
	SC/SS	=	Surcharge for SS as computed in Article V, Section 38-4-34

**[ED. NOTE: It may not be possible to use the above formula because of the manner in which the rates have been established in the City.]**

**38-4-37**      **ADJUSTMENT TO BILLS.** The City Clerk or his/her designee shall be authorized to provide adjustments to sewer bills resulting from excessive water consumption because of leaks in the water service lines, defective plumbing fixtures, filling of a swimming pool, or unusual circumstances where the water did not enter the sanitary sewer system as waste pursuant to the following conditions:

(A)            Excessive water consumption is defined as water consumption resulting from one of the above described causes, where the billed consumption exceeds the average monthly consumption for the previous **six (6) months** by at least **one hundred percent (100%)** and is a minimum of **ten thousand (10,000) gallons** above said monthly average. Water customer must have at least **six (6) months** of history in order to receive a sewer credit.

(B)            The account holder shall submit a written request for adjustment within **sixty (60) days** of the date of the bill for which adjustment is requested.

(C)            The account holder must establish that the water did not flow through the sanitary sewer system.

(D)            An adjustment to a sewer bill has not been granted in the previous **twelve (12) months**. Except for a one time pool fill credit with notification given to City Hall prior to processing of the bill on which the usage was consumed.

(E)            In the event the excessive water consumption crosses two billing cycles, the calculation for the adjustment shall be based upon the average monthly consumption which exceeds two times the average monthly consumption for the previous **six (6) months** pursuant to the limitations described in **Section 38-4-37(A)** of this Section. An adjustment that is provided in this subsection shall only be authorized when the customer demonstrates that corrective action is taken within **ten (10) days** of the billing date when the excessive consumption first occurred.

(F)            Excessive water consumption for the following reasons DOES NOT qualify for a sewer adjustment:

- (1)            Broken or leaky water lines where the water enters the sanitary sewer system (i.e. leaky toilets or inside faucets).
- (2)            Water used for irrigation.
- (3)            Negligent use of water (i.e. forgetting to turn the water hose off).
- (4)            Undetermined use of water.

(G)            In order to process your request for a sewer credit, the City must receive a completed "Request for Sewer Credit" form and a copy of a repair bill, pool contract, or statement explaining when and how repair was made (if work was not done by a licensed plumber).

(H)            In the event of a leak, the homeowner must have a whole house shut off installed in order to receive credit. If one is not installed and the City has to provide shut off services at the meter, proof of paid invoice will be required showing a whole house shut off was installed prior to any credit given.

**(Ord. No. 2040; 09-11-17)**

**ARTICLE V - SEWER SYSTEM****DIVISION I - DEFINITIONS**

**38-5-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**"GOVERNMENT, FEDERAL".**

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act (**33 U.S.C. 466 et seq**) as amended, (**Pub. L. 95-217**).

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

**"GOVERNMENT, LOCAL".**

(A) **"Approving Authority"** shall mean the Superintendent of Sewage Works of the City or his authorized deputy, agent, or representative.

(B) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(C) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

(D) **"Inspector"** shall mean the Superintendent or other person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the sanitary sewer system.

**"GOVERNMENT, STATE".**

(A) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(B) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

**"CLARIFICATION OF WORD USAGE".** "Shall" is mandatory; "may" is permissible.

**"SEWER TYPES AND APPURTENANCES".**

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five feet (5') (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by other.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve **one (1)** or more persons and ultimately discharge into the City sanitary sewer or combined sewer system, even though those sewers may not have been constructed with City funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.

(H) **"Sewerage"** shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewers.

**"TREATMENT":**

(A) **"Pretreatment"** shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.

(B) **"Wastewater Treatment Works"** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

**"TYPES OF CHARGES":**

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewerage Fund"** is the principal accounting designation for all revenues received in the operation of the sewerage system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Wastewater Service Charge"** shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

**"USER TYPES":**

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the City representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

**"WASTEWATER FACILITIES"** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

**"WATERCOURSE AND CONNECTIONS":**

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**"WASTEWATER AND ITS CHARACTERISTICS":**

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days at 20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean an industrial user the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

- (J) **"ppm"** shall mean parts per million by weight.
- (K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one half inch (1/2") (1.27 centimeters)** in any dimension.
- (L) **"Sewage"** is used interchangeably with "wastewater".
- (M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.
- (N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.
- (O) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (P) **"Wastewater"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (Q) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

**38-5-2 - 38-5-4      RESERVED.**

## **DIVISION II - USE OF PUBLIC SEWERS REQUIRED**

**38-5-5      DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

**38-5-6      POLLUTING WATERS.** It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Code.

**38-5-7      PRIVATE SYSTEM, UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage and shall, upon **ninety (90) days** notice to the owner of the premises, be abated. **(See Division III)**

**38-5-8      NOTICE TO DISCONTINUANCE PRIVATE SYSTEM.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so.



**38-5-9**        **DISCHARGE INTO SANITARY SEWER.** The discharge from plumbing fixtures or commercial or industrial liquid wastes shall be connected to the public sanitary sewer of the City and shall specifically include basement floor drains. The connection of footing tile, area drains, surface water inlets, downspouts, yard or field drains or any other drainage facility which receives groundwater seepage or collected surface water to the public sanitary sewers of the City is hereby prohibited and any such connections which currently exist are deemed illegal.

**38-5-10**       **ACCESSIBILITY OF SEWERS.** Accessibility to the public sewers of the City is hereby declared to be properties abutting on any street, alley or right-of-way in which there is located a public sewer main, provided that such public sewer main is within **one hundred (100) feet** of the property line or building or establishment and provided further, that it is feasible that a sewer connection can be constructed.

**38-5-11**       **RESERVED.**

### **DIVISION III - PRIVATE SEWAGE DISPOSAL**

**38-5-12**       **PRIVATE SEWAGE PERMITTED.** Where a public sanitary sewer is not available under the provisions of **Division II**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

**38-5-13**       **PRIVATE SEWER SYSTEM PERMIT.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Montgomery County Health Department. The application for such permit shall provide any plans, specifications, and other information as are deemed necessary by the Montgomery County Health Officer. The required permit and inspection fee shall be paid to the Montgomery County Health Department at the time the application is filed. **(See Appendix "C")**

**38-5-14**       **COUNTY HEALTH INSPECTOR.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Montgomery County Health Officer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Montgomery County Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **forty-eight (48) hours** of the receipt of written notice by the Montgomery County Health Officer.

**38-5-15**       **REQUIREMENTS FOR SYSTEM.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No septic tank or cesspool shall be permitted to discharge to any natural outlet without supplemental treatment.

**38-5-16**       **CONNECTION TO PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-10**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**38-5-17**      **MAINTENANCE OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

**38-5-18**      **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the MONTGOMERY COUNTY HEALTH OFFICER.

**38-5-19**      **RESERVED.**

#### **DIVISION IV - BUILDING SEWERS AND CONNECTIONS**

**38-5-20**      **PERMIT REQUIRED.** No person shall uncover, make any connection with or open into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Further, in all instances incident to the connection of or repair of the connection of a building sewer to the City's sewerage system, such connection shall be accomplished only by a plumber licensed by the State of Illinois. **(Ord. No. 871; 06-26-00)**

**38-5-21**      **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-5-22**      **CLASSES--APPLICATION FEES.**

(A)            There shall be **two (2)** classes of building sewer permits as follows:

(1)          Residential and commercial service.

(2)          Service to establishments producing industrial wastes.

(B)            In either case, the owner or his agent shall make applications on a special form furnished by the City. **(See Appendix "B")**

(C)            The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Council. An inspection fee of **One Hundred Fifty Dollars (\$150.00)** for a residential or commercial building sewer permit shall be paid to the City Council at the time the application is filed. The permit shall require no fee in the case of a repair permit. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity. **(Ord. No. 871; 06-26-00)**

**38-5-23**      **CAPACITY OF SEWER.** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**38-5-24**      **COST OF INSTALLATION.**

(A)            All costs and expenses incident to the connection or repair of a building sewer with the City's sewerage system shall be borne by the owner. It shall be the duty of the owner to maintain their own sewer line from the main sewer to the building.

(B)            As a condition precedent to qualifying for a permit, and before making any repairs or connection to the City's sewerage system, the plumber engaged for such work shall provide the City with satisfactory proof of liability insurance to indemnify and save harmless the said City from any and all claims for loss or damage sustained that may directly or indirectly be occasioned by the plumber's

street openings and work performed on public property. The amount of such insurance shall be not less than **Two Hundred Fifty Thousand Dollars (\$250,000.00)** for death or personal injury to **one (1) person, Five Hundred Thousand Dollars (\$500,000.00)** for each occurrence and **One Hundred Thousand Dollars (\$100,000.00)** for property damage.

(C) As a further prerequisite to the issuance of a permit, the plumber or contractor shall file a performance bond (no surety required) satisfactory to, and payable to, the City in the amount of **Five Thousand Dollars (\$5,000.00)** upon the faithful performance of work in full compliance with this Article and as security for the payment of any penalties for the violations of any provisions of this Code.

(D) The liability insurance required under this Section may be "blanket coverage" for the entire period covering all proposed hookups. Additionally, the fact of liability insurance under this Section shall be a matter of public record, and any person making inquiry therein shall not be compelled to file for such information under Freedom-of-Information Act formalities. **(Ord. No. 871; 06-26-00)**

**38-5-25**      **INDEPENDENT BUILDING SEWER REQUIRED.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**38-5-26**      **OLD BUILDING SEWERS.** Old building sewers may not be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

**38-5-27**      **CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches**. If **six (6) inch** diameter pipe is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch** or **five (5) inch** diameter pipe is used, the slope shall not be less than **one-fourth (1/4) inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewer shall be constructed of materials approved by the Village. Generally all building sewer shall be constructed of the following materials:

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum SDR-35)

All pipe joints must be gastight and watertight and are subject to the approval of the City. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

**38-5-28**      **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-5-21** and discharged to the building sewer.

**38-5-29**      **EXCAVATION REQUIREMENTS.** All excavations required for the installation or repair of the building sewer shall be open trench work unless otherwise approved by the Superintendent. All construction shall be in accordance with the **Standard Specifications for Water and Sewer Main Construction in Illinois**, except that no backfill shall be placed until the work has been inspected. All excavations for building sewer installation or repair shall be adequately guarded with barricades and lights so as to protect from hazard. The City will provide the barricades, lights and fencing, but it shall be the responsibility of the owner and plumber to install and maintain such safety items on each project. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent. **(Ord. No. 871; 06-26-00)**

**38-5-30**      **STORM WATER CRITERIA DURING CONSTRUCTION.** During the time of excavation and as long as an excavated area remains open so as to act as a catch basin, any sewer title or drainage outlet designed to service the excavated area shall, at all times, be either capped or furnished with a sufficient standpipe so as to eliminate the possibility of any rain or surface water collection or draining into the excavated area and hence, into the outlets and accordingly, into the sewer system of the City.

**38-5-31**      **DOWNSPOUTS PROHIBITED.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

**38-5-32**      **FOUNDATION DRAINS.** Where foundation drains are installed to serve a building, they shall discharge to a sump which is equipped with a sump pump of proper size and capacity. The sump pump discharge shall terminate on the ground surface a minimum distance of **ten (10) feet** from the building. The sump pump may be discharged to a road ditch, storm sewer, or field tile, if one is available to the property, in a manner approved by the Superintendent.

**38-5-33 - 38-5-34**      **RESERVED.**

**DIVISION V - USE OF PUBLIC WASTEWATER FACILITIES**

**38-5-35**      **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-5-36**      **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

**38-5-37**      **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A)              Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B)              Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C)              Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D)              Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**38-5-38 HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C).**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C).**

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the City.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the City as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hq** at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:

- (1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the City in compliance with applicable State and Federal regulations.

**(See Appendix "F")**

**38-5-39 HARMFUL WASTES; APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-38** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of this Article.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the City shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all wastewater be discharged through a single control manhole or structure with appurtenances described herein.

**38-5-40 INTERCEPTORS PROVIDED.**

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be so located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over to grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons**, and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the City wastewater collection and treatment system may be liable to the City for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the City. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and phone number.
- (2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.

- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next scheduled maintenance.
- (6) Copies of manifests.
- (7) The user shall be required to submit maintenance records to the City on an annual basis. Records shall be submitted by **September 1<sup>st</sup>** of each year. The records shall be submitted to:  
Attn: Wastewater Superintendent

(E) The City will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the City the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Grease (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.
- (2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

- (1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.
- (2) Said interceptor and installation is endorsed by the City Engineer.
- (3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

**38-5-41 FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**38-5-42 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**38-5-43 INDUSTRIAL WASTE TESTING.**

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

**38-5-44 MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**38-5-45 SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division III of this Code)**

**38-5-46 - 38-5-50 RESERVED.**

## **DIVISION VI - INSPECTIONS**

**38-5-51 DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**38-5-52 INSPECTION AND TESTING.**

(A) The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.



**38-5-53**      **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-5-52** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-43**.

**38-5-54**      **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-5-55**      **RESERVED.**

#### **DIVISION VII - EXTENSION OF COLLECTING SEWERS**

**38-5-56**      **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, not an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

**38-5-57**      **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the City, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the City for further consideration.

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewers not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

**38-5-58**      **MATERIALS.** All sewer extensions shall be constructed of the following materials:

- (A) Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:
- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
  - (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.
- (B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and
- (1) of comparable material to the sewer main for VCP and PVC pipe.
  - (2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

**38-5-59** **INSPECTIONS OF CONSTRUCTION.** Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

- (A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.
- (B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;
- (C) Under special circumstances, when approved by the City, air pressure testing with allowance to be specified by the City.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the City's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the City.

**38-5-60** **MANHOLES REQUIRED.** Manholes shall be constructed at each change in direction (horizontal and/or vertical) and not more than **four hundred (400) feet** apart on straight sewers. Construction methods shall be in accordance with the "**Standard Specifications for Water and Sewer Main Construction in Illinois**" adopted by the City Council and on file in the office of the Superintendent. All construction shall be subject to the inspection of the Superintendent or other designated representatives.

**38-5-61 - 38-5-63** **RESERVED.**

#### **DIVISION VIII - PENALTIES**

**38-5-64** **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-5-51** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The City may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

**38-5-65**      **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-71** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**38-5-66**      **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

**ARTICLE VI - OUTSIDE UTILITY SERVICE POLICY**

**38-6-1 CONSTRUCTION.** It is the purpose of this Article to provide delineation of the City's policies concerning extension of water and sewer services outside its corporate limits. The exceptions referred to in **Section 38-6-3** hereafter are to be construed strictly as unusual conditions which may in the sole discretion of the City Council authorize an exception to the rule, but said exceptions are not, under any circumstances, to be construed as the rule, as the City reserves the right to consider such factors as, including but not limited to, water system and sewer system integrity, public health, safety, and welfare.

**38-6-2 MUNICIPAL WATER AND SEWER POLICY.**

(A) Except as provided in **Section 38-6-3** hereinafter, water mains may be extended outside the corporate limits of the City, or new taps granted therefrom or from existing mains outside the corporate limits only:

- (1) if such extension or tap is for the immediate and direct industrial development of a lot, tract, or building, as industrial development is hereinafter defined; or
- (2) if such extension is for a large scale development or residential subdivision located within the territory of a public water district and is located within **one (1) mile** from the corporate limits of the City and the Mayor recommends that the City exercises its exclusive right to provide water service to said development pursuant to **65 ILCS Sec. 5/11-151-3**. For such developments, only the developer/owner shall be required to make application for water service under the procedures established by this Article provided developer/owner agrees to impose covenants running with the land consistent with **Section 38-6-6(B)** of this Article which covenants shall be included on the developers/owners final plat. Subsequent lot or parcel owners shall not be required to file applications pursuant to this Article but may directly apply to the City for water service; or
- (3) if such extension is to provide for the development of or service to new or existing lots, tracts, buildings, or subdivisions where such an extension would be an orderly expansion of the City's distribution network. For each of these types of extensions, the developer/owner shall be required to make application for water service under the procedures established by this Article provided developer/owner agrees to impose covenants running with the land consistent with **Section 38-6-6(B)** of this Article. For new developments, these covenants shall be included on the developer's/owner's final plat. Subsequent lot or parcel owners shall not be required to file applications pursuant to this Article but may directly apply to the City for water service.

(B) All conditions and provisions of this Article must first be satisfied for any such extension of water mains or the grant of new water taps outside the corporate limits.

**38-6-3 EXCEPTIONS.** Notwithstanding the provisions of **Section 38-6-2**, the City Council may, in its sole discretion, extend a water main or provide for a water tap or taps outside the corporate limits of the City to any lot, tract, or building if, after due consideration, it is the opinion of a majority of the Council that:

- (A) it is only the same-size replacement of a water main or water tap of an existing customer already serving said lot, tract or building; or
- (B) it furnishes water services to a lot, tract, or building which is adjacent to an existing main; or

(C) it furnishes services for a water tap in instances when a water main will not be further extended because of sound engineering practices and provision of the tap would be comparable to providing a tap under **Section 38-6-3(B)** above; or

(D) it furnishes water service to a facility used solely for education, religious or eleemosynary purposes; or

(E) it is granted by the City as consideration for a grant of easement, lease, or fee simple interest in land acquired by the City for development of its programs.

**38-6-4**        **DEFINITIONS.** As used in this Article, "Industrial Development" means an activity or enterprise employing persons for the purpose of manufacturing, producing or assembling raw or furnished materials into a product for ultimate use or consumption.

**38-6-5**        **DISCRETIONARY.** Notwithstanding the fact that any lot, property, or building may otherwise fit the conditions expressed in said **Section 38-6-2** and **38-6-3** above, the City Council reserves the right in any specific case to refuse to extend its water or sewer service beyond its corporate limits, if in its sole discretion, it is of the opinion that it is feasible for such area to be annexed to the City, or such act of extending water or sewer services outside its corporate limits would not be in the best interests of the residents of the City.

**38-6-6**        **PROCEDURES.**

(A) Any owner or prospective owner of property outside the corporate limits of the City who desires to apply for water or sewer service under the terms of this Article may do so by filing with the City Clerk, an application for said extension of a water or sewer main or new tap on the form or forms provided by the City Clerk, setting forth:

- (1) the correct legal description, tax identification number, and street address of the property,
- (2) facts purporting to establish that said service is for a category of development, as allowed under **Section 38-6-2** of this Article or is eligible as an exception under **Section 38-6-3** of this Article, and
- (3) which includes as applicants, all legal and equitable owners of said property. The statements in said application shall be subscribed and sworn to by the applicants, and a filing fee of **Fifty Dollars (\$50.00)** shall be paid to the City Clerk upon the filing of said application.

(B) The applicants shall covenant and agree that the following covenants shall be and are incorporated by reference into said application, as covenants running with the land described in said application, and binding upon the applicants, their heirs, successors, executors, administrators and assigns, to wit:

- (1) that the legal description in said application is accurate and that the applicants are of the legal and equitable owners of said property so described,
- (2) that if said application is for "Industrial Development" of said property, as hereinabove defined, and if said application is granted, it is covenanted that for a period of at least **five (5) successive years** from the date of the Article of the City Council granting said water or sewer main extension or new tap outside the corporate limits, said property shall be used for industrial development,
- (3) that should said property become contiguous with the corporate limits of the City (or become contiguous with property of other persons who are joining in a petition to annex their lands to the City, through judicial proceedings or otherwise), the then legal and equitable owners of the property will consent to the annexation of the property to the City and

- will execute any required deeds, petitions, or instruments needed to effectuate such annexation,
- (4) that in the event said application for extension of municipal water services is granted, no other properties or areas inside or outside the corporate limits of the City will be permitted to attach onto the water main or water tap(s) constituting said water service extension without the further expressed permission of the City,
  - (5) that in the event any condition or covenant contained in this Article or contained in a specific application for extension of water service outside the corporate limits of the City, or contained in any specific Ordinance granting such extension of water services outside the corporate limits of the City should be now or hereafter violated, then, in addition to any other remedies the City may have, the City may, after providing in writing a **ten (10) day** notice at the address of said property, terminate the water and sewer service to said property which is the subject of the covenant that has been violated,
  - (6) that all other general rules and regulations of the City regarding water and sewer service shall be complied with and all charges for water and sewer service paid.

(C) Upon receipt of any such application and filing fee, the City Clerk shall refer said application to the Water Department for review and inspection of the premises, and for preparation of reports and recommendations by designated Department personnel to the City Council, a copy of which shall be delivered to the City Clerk. Thereupon, the City Clerk shall place said application and recommendation on the City Council agenda for consideration. The City Council by Ordinance shall either approve, deny, or amend and approve said application.

(D) If the City Council disapproves said application, the City Clerk shall so notify the applicant, and the matter thereupon shall be concluded. The covenants and assurances contained in said application and hereinabove referred to shall be null and void and of no further effect.

(E) If the City Council approves the application for a water or sewer main extension or new tap outside the corporate limits of the City, this Article, said application, and the City Council's specific Ordinance approving said application shall be a binding, irrevocable contract between the City and the parties thereto; and thereupon said application and said specific Ordinance approving the same shall be recorded in the Office of the Montgomery County Clerk. Thereafter, said application and said specific Ordinance also shall be filed in the Office of the Clerk of the City under special file and under a special index, enabling the City to make a proper and prompt identification of all such transactions in which the City has granted extensions of water services outside the corporate limits of the City either for one of the categories or allowed development or as an identified exception to its general municipal water policy.

**38-6-7** **NO REFUND.** The filing fee of **Fifty Dollars (\$50.00)** hereinabove referred to shall be the total fee charged by the City for accepting and processing said application, and where necessary, recording documents with the Montgomery County Clerk; but no portion thereof shall be refunded to an applicant whether such application is approved or disapproved. Such fee shall be deposited in the Corporate Fund. There is an additional fee due for sewer line inspection under Ordinance No. 871.

**38-6-8** **ADDITIONAL RULES AND REGULATIONS.** Nothing herein contained shall pertain to, alter or change the right of the City to make reasonable rules, regulations, or policies concerning size, materials, location of water mains, and water taps on its water system.

**(Ord. No. 887; 06-25-01)**

**ARTICLE VII – COST REIMBURSEMENT PROGRAM**

**38-7-1 SEWER COST REIMBURSEMENT.** A cost reimbursement program for the installation of overhead sewers or backflow prevention devices is hereby established in accordance with the following requirements:

(A) The City will reimburse a property owner up to **Four Thousand Dollars (\$4,000.00)** for the installation of a City approved overhead sewer system or backflow prevention device.

(B) The program applies to all buildings within City limits connected to the City collection system.

(C) The program shall apply to installation of overhead sewers or backflow prevention devices made on or after the effective date of this Article. The City shall, in its sole discretion, determine the eligibility of installations for this program.

(D) 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.

(E) 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.

(F) 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 or maintenance of the system once it is installed, or the eligibility, participation or funding priority in the program.

(G) 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.

(H) The City shall develop, subject to approval of the City Council, program requirements necessary to implement the program. **(See Appendix "A")**

(I) 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.

(J) 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.

(K) The program will be evaluated from time to time in the City's discretion and the City may change or eliminate the program.

**(Ord. No. 2041; 09-11-17)**