

CHAPTER 38

UTILITIES

ARTICLE I - DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the Public Works Department. It shall include the Committee on Water and Sewer, appointed by the Mayor, and its employees. The designated office shall be the Village Hall.

38-1-2 **WATER AND SEWER COMMITTEE.** The Water and Sewer Committee shall exercise a general supervision over the affairs of the waterworks system and sewerage system. The Committee shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Public Works Department.

38-1-3 **SUPERINTENDENT.** The Public Works Superintendent shall be subject to the supervision of the Committee on Water and Sewer and shall be known as the "Superintendent". He shall be appointed by the Mayor with the advice and consent of the Village Board and shall hold his office until his successor shall be appointed and qualified. He shall receive such salary as may be provided for by the Village Board. The Public Works Superintendent shall be known as the Superintendent of Water and the Superintendent of Sewer.

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 Village 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, but 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 Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypass any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Chapter 1, Article 1 of this 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 for such act, be fined as provided in Chapter 1, Article 1 of this Code.

(E) Service Obtained By Fraud. All contracts for water and sewer services

must 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 will be considered a subterfuge and service will 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 will 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 Village 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 Village 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. If a bill is not paid by the **fifteenth (15th) day** of the month or within **fifteen (15) days** of the date the bill is presented, whichever is later, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services.
- (2) Any customer who fails to pay the utility bills within **twenty-five (25) days** of presentation shall have the utility services disconnected after a written notice by the Village Clerk, at least **five (5) days** prior to the scheduled disconnection, has been provided to the customer either by: (1) personal delivery; (2) certified mail, return receipt requested; or (3) posting the notice on the door of the premises that is to be disconnected. The notice shall afford the customer an opportunity for a hearing. The notice shall specifically advise the customer of the following:
 - (a) Name and address of the consumer and amount of the bill.
 - (b) The date upon which the utility service may be disconnected by the Village.
 - (c) That the customer may request a hearing, at which 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 pay the bill by the date of disconnection, or request a hearing, the consumer's utility service shall be terminated without further proceedings.
- (3) If a customer requests a hearing, the time, date and location of the hearing shall be determined by the Mayor, the Village Clerk or the designee of the Mayor. The Mayor, Village Clerk, or designee of the Mayor shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing.
- (4) The consumer 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 consumer. Notice of the hearing officer's decision shall be made by first-class mail or personally delivered to the customer.

- (5) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the consumer's utility services. Should the consumer fail to appear at the hearing, or should the notice be returned non-accepted, then the Village shall also have the right to terminate the consumer'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 Village shall notify the owner of the property by first-class mail.
- (7) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Twenty-five Dollars (\$25.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services. **(Ord. No. 479; 10-03-88; Ord. No. 854; 5-10-11)**

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **ninety (90) days** after it has been rendered, the Village 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 as well as for all charges for utility services served subsequent 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 Village Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Village Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Village 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 Village.

The Village Attorney is hereby authorized to institute such proceedings in the name of the Village 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. (1971 Code; Secs. 5.06 and 5.07)

38-2-2 **CONSUMER LISTS.** It is hereby made the duty of the Village 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 of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally 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 Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village. (1977 Code; Sec. 5.08)

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 Village 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. (Ord. No. 438; 06-02-86)

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 Village Board 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) **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, all applicants for which the service is requested shall deposit with the application the amount of **One Hundred Dollars (\$100.00)**.

When the amount of the deposit provided for above is not sufficient to adequately protect the Department, a greater amount than stated above may be required, based on the consumer's estimated bill for a customary billing period.

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the Village 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. If the applicant is the owner of the property, his deposit may be returned after **one (1) year** if all previous bills have been paid.

(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 facilities shall be made available to the tenant-occupied premises. In case a portion of the deposit is used as aforesaid, the tenant and/or owner of the premises shall immediately deposit with the Village Clerk an amount sufficient to bring the deposit to the established rate of deposit.

(Ord. No. 479; 10-03-88; Ord. No. 801; 11-2-09, Ord. 2016-04-04-A, 4-4-2016)

38-2-7 **ANNEXATION TO THE VILLAGE.** No person shall receive water or sewer service from the Village without annexation into the corporate limits of the Village, unless the Village has an agreement with the owner of the property for such annexation. **(Ord. No. 851; 3-7-11)**

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 **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 Village shall file a written application at the Village 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 Article IV for fees.)**

38-3-2 **ALL SERVICE TO BE BY METER.**

(A) 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.

(B) Customers who install underground irrigation systems for residential use may install and pay for a separate tap and meter for said water service. Customers shall pay for water service according to the water rates. They shall not have to pay a sewer charge. **(Ord. No. 534; 09-14-92)**

(C) With regard to any private, residential property where a master meter is in place and functioning, the Village shall have the right and option to read said master meter and assess the full charge to the owner or agent of said master meter. The Village shall have the right and option to refuse to read individual meters connected to said master meter, and to separately assess and/or collect utility fees which may be pertinent to said master meter. **(Ord. No. 624; 07-12-99)**

(D) Notwithstanding anything contained in subparagraph (C) of this section, customers may install a second water meter downstream of the main water meter. Said second meter shall be used exclusively for an outdoor use water system, including without limitation, an underground irrigation system, and shall only be permitted on the following terms and conditions:

- (1) The standard water usage rates shall apply;
- (2) Any and all use of the system is confined to outdoors use only, and at no time will any water be discharged into the sanitary sewer system. Runoff into storm sewer system should be limited as much as possible;
- (3) Any and all costs, including without limitation, additional water meter, materials and private contractor charges, shall be the responsibility of the customer. The Village shall not be responsible for the installation of a second metering system;
- (4) In order to accommodate the monthly meter reading, the second meter shall be placed within **three (3) feet** of the main meter and in an area normally accessible to Village Public Works employees;
- (5) An approved backflow device shall be installed;

- (6) Readings from the second meter will be deducted from the main meter reading, and will not be assessed sewer charges;
- (7) Customers may have the meter turned off for a specified number of months (i.e., winter months) in order to avoid the minimum monthly charge. There shall be no fee to reestablish service. (Ord. No. 741; 10-1-07)

38-3-3 INSPECTION.

(A) **Access to Premises.** The Village 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 Village. The Village 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 Village 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 Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

38-3-4 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 Village 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.

38-3-5 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the express condition that the Village 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.

38-3-6 RESALE. No water shall be resold or distributed by the recipient or consumer thereof from the Village supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

38-3-7 DISCONTINUING SERVICE - DANGEROUS USAGE. The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village 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 Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-8 **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 Village.

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

38-3-9 **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.**
Applicants desiring to use water from the Village 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.

38-3-10 **FIRE HYDRANTS.**
(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the Village Limits, shall be owned, maintained and used only by the Village and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the Village and after approved application to the Village.

(B) The Village shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the Village 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 Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village 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 Village 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.

38-3-11 **LAWN WATERING.** The right is reserved to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens whenever, in the opinion of the Village, public exigencies require it.

38-3-12 **SHORTAGE AND PURITY OF SUPPLY.** The Village 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 Village's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-13 **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the Village 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 Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village 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.

38-3-14 **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 Village, subject thereto and bound thereby.

38-3-15 - 38-3-17 **RESERVED.**

DIVISION II - CROSS-CONNECTIONS

38-3-18 **APPROVED BACKFLOW DEVICE.** All plumbing installed within the Village 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 Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent 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.

38-3-19 **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 Village, 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.

38-3-20 **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 Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-21 **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 Superintendent 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 Superintendent 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 Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-22 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The Superintendent 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 Village Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Superintendent 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 Superintendent 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 Superintendent 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.

38-3-23 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.

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 and 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 Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer 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 Village Board.

The Village Treasurer 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 Village". The Mayor and Village Board shall administer such fund in every respect in the manner provided by the Illinois Compiled Statutes, Chapter 65.

38-4-3 **ACCOUNTS.** The Village 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 users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-4 **NOTICE OF RATES.** A copy of this Article, properly certified by the Village 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 Village 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 **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 Village which are applicable to the Village's system of user charges or industrial 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 Federal Grant.

38-4-6 - 38-4-9 **RESERVED.**

DIVISION II - WATER RATES

38-4-10 **WATER TAP-ON FEES.**

(A) **Inside Village.** Applicants for water service inside the Village shall pay a charge of **One Thousand Dollars (\$1,000.00)** plus the current costs of a meter for each connection or tap-on to the water mains of the Village for properties not now connected or tapped-on to the water mains, whether presently constructed or to be constructed. The foregoing charge shall be a privilege fee only and the only material to be furnished by the Village shall be the water meter. All other appurtenances such as connecting pipes, meter vaults and covers, valves, and connections shall be furnished by the applicant. All such connections shall be made under the supervision of the Village and in such a manner as the Village may direct through its duly authorized employees. All costs for excavation and labor for the tap-on shall be borne by the applicant.

(B) **Outside Village.** Applicants for water service outside the Village may be accepted if there is an existing acceptable main in a street or right-of-way abutting the premises to be served. Easements shall be furnished without cost to the Village for the installation and maintenance of service lines and for existing mains, which mains shall become the property of the Village. The Village may authorize the extension of a main at the expense of the applicant in areas not served by a Village-owned water main. Applicants shall pay the Village a tap-on fee of **One Thousand Five Hundred Dollars (\$1,500.00)** per residence, plus the current cost of the water meter. **(Ord. No. 479; 10-03-88; Ord. No. 726; 9-11-06)**

38-4-11 **WATER RATES.** There shall be established the following rates and charges for the use of the water system of the Village, based upon the amount of water consumed as follows:

(A) **Inside Corporate Limits - Individual and Industrial Users.**

	(1)	Rates effective March 15, 2012:	
First	1,000 gallons		\$7.00 MINIMUM CHARGE
Next	4,000 gallons		\$4.45 per 1,000 gallons
Over	5,000 gallons		\$4.00 per 1,000 gallons
	(2)	Rates effective March 15, 2013:	
First	1,000 gallons		\$7.15 MINIMUM CHARGE
Next	4,000 gallons		\$4.60 per 1,000 gallons
Over	5,000 gallons		\$4.15 per 1,000 gallons

(Ord. No. 625; 07-12-99; Ord. No. 723; 8-7-06; Ord. No. 850; 2-7-11)

(B) **Outside Corporate Limits.**

	(1)	Rates effective March 15, 2012:	
First	1,000 gallons		\$10.10 MINIMUM CHARGE
Next	4,000 gallons		\$6.30 per 1,000 gallons

Over	5,000 gallons	\$5.60 per 1,000 gallons
	(2) Rates effective March 15, 2013:	
First	1,000 gallons	\$10.40 MINIMUM CHARGE
Next	4,000 gallons	\$6.60 per 1,000 gallons
Over	5,000 gallons	\$5.90 per 1,000 gallons
(Ord. No. 625; 07-12-99; Ord. No. 723; 8-7-06; Ord. No. 850; 2-7-11)		
(C)	<u>Bulk Rate.</u>	\$3.00 per 1,000 gallons

(Ord. No. 625; 07-12-99)

(D) Further, all rates as indicated above shall be increased and passed on to the end users of the Village, at such times, as may be warranted by any fee increases assessed to the Village by the Summerfield, Lebanon, Mascoutah Water District. **(Ord. 798; 9-8-09; Ord. No. 850; 2-7-11)**

(E) **Water Charge for Dual System.** Any water user with a dual water system, i.e., both connected to the Village Water System and private water service, shall pay a monthly water charge of at least the monthly minimum water rate when the private water system is in use. When the user utilizes the Village water system, then the above consumption and water rates shall apply. **(Ord. No. 479; 10-03-88)**

38-4-12 - 38-4-14 RESERVED.

DIVISION III - SEWER RATES

38-4-15 SEWER TAP-ON FEES. (See Section 38-5-20 of this Chapter.)

38-4-16 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of, and for service supplied by, the wastewater facilities of the Village shall consist of a **Basic User Charge** for operation, maintenance, replacement, depreciation, debt service, and debt retirement, plus, if applicable, a **Surcharge** levied on all users whose wastewater has Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) exceeding **200 mg/l and 240 mg/l** respectively.

The **Basic User Charge** shall be based on monthly water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

(A) A five **(5) day, twenty degree Celsius (20°C)** Biochemical Oxygen Demand **(BOD) of 200 mg/l, or less.**

(B) A Suspended Solids (SS) content of **240 mg/l, or less.**

The rate set for the basic user charge shall consider the projected annual revenue required to operate and maintain the wastewater facilities, including costs for capital expenditures, replacement, depreciation and debt service / debt retirement, and to whatever degree possible, consider estimates of wastewater volume, pounds of SS and pounds of BOD to be treated, any additional estimated costs to the wastewater facility because of that projected volume, SS and BOD, and the proportion of those estimated costs attributable to non-industrial versus industrial users. For sewage of normal domestic concentrations, the rate shall be computed as a cost per one hundred (100) gallons of water used.

The adequacy of the basic user charge should be reviewed annually, and revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs.

Any **Surcharge** shall be based on water usage as recorded by water meters and/or sewage

meters for all wastes which exceed the **200 mg/l and 240 mg/l** concentration for BOD and SS respectively. For this sewage, which exceeds normal domestic concentrations, the rate shall be computed as a cost per mg/l in excess of normal sewage strength for BOD and SS, as specified in **Section 38-4-20**.

38-4-17 **MEASUREMENT OF FLOW.** The water usage used for computing basic user charges and surcharges shall be the metered water consumption read to increments of **one hundred (100) gallons**.

(A) If the user discharging wastes into the public sewer procures any part or all of his water from sources other than the Village Waterworks System, all or a part of which is discharged into the public sewers, the Village may require the user to install and maintain, at his expense, water meters of a type approved by the Village 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 Village if these volumes cannot otherwise be determined from the metered water consumption records, and any such devices shall be installed, owned and maintained by the user, and thereafter may not be removed without the consent of the Village, unless service is canceled.

38-4-18 **BASIC USER CHARGE.** The following rates shall be used to compute charges for the use of, and the service supplied by, the Wastewater Facilities of the Village, based upon the amount of water consumed as follows:

(A) **Within the Village Corporate Limits.**

(1) Effective with bills payable in January 2016, both individual and industrial users shall be charged a monthly rate of **\$0.90 per every 100 gallons** of metered water consumption, provided, however, that the minimum monthly bill for any user shall be not less than the equivalent charge for 2,000 gallons of metered water consumption.

(2) Effective with bills payable in May 2023, both individual and industrial users shall be charged a monthly rate of **\$0.95 per every 100 gallons** of metered water consumption, provided, however, that the minimum monthly bill for any user shall be not less than the equivalent charge for 2,000 gallons of metered water consumption.

(3) Effective with bills payable in January 2016, any user discharging wastes into the Village's public sewer system that does not have metered water service from the Village Waterworks System, and has not been required to install a meter for the purpose of determining the volume of water obtained from other sources, shall be charged a **flat monthly rate of \$20.00**.

(B) **Outside the Village Corporate Limits.**

(1) Effective with bills payable in January 2016, any user outside the Village corporate limits discharging wastes into the Village's public sewer system that does not have metered water service from the Village Waterworks System, and has not been required to install a meter for the purpose of determining the volume of water obtained from other sources, shall be charged a **flat monthly rate of \$25.00**.

38-4-19 **SURCHARGE RATE.** The rates of additional surcharges for all users whose Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) exceed **200 mg/l and 240 mg/l** respectively, shall be as follows:

$${}^{SC}BOD_i = \$0.07 (BOD_i - 200) \times Q_i \times 8.34$$

$${}^{SC}SS_i = \$0.07 (SS_i - 240) \times Q_i \times 8.34$$

$${}^{SC}C_i = {}^{SC}BOD_i + {}^{SC}SS_i$$

Where Q_i = total monthly flow volume expressed in million gallons.

BOD_i = Biochemical Oxygen Demand Concentration (5 day, 20 degrees C.) of waste expressed in milligrams per liter.

SS_i = Suspended Solids Concentration of waste expressed in milligrams per liter.

${}^{SC}BOD_i$ = Monthly surcharge in dollars for Biochemical Oxygen Demand for waste concentrations greater than 200 mg/l

${}^{SC}SS_i$ = Monthly surcharge in dollars for Suspended Solids for waste concentrations greater than 240 mg/l

${}^{SC}C_i$ = Total monthly surcharge in dollars

38-4-20 **COMPUTATION OF SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by flow measurement and waste sampling. Waste sampling and flow measurement shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis for surcharges.

38-4-21 **RESERVED.** (Ord. 2015-10-19-A; 10-19-2015)

38-4-22 **SEWER CHARGE ADJUSTMENT.** The Village Administrator shall have authority to allow deductions on sewer bills for water which is used but does not enter the sanitary sewer system. In every case, a request for deduction shall be made by written application on forms provided by the Village of New Baden, and shall be subject to the following regulations:

(A) No deductions shall be granted for users of the sewer system who do not have a metered water supply.

(B) No deductions shall be granted for users of the sewer system who are delinquent in their payment to the Village for such service.

(C) One hundred percent of any used water for which a deduction is requested, must have been prevented from entering the sanitary sewer system.

(D) The Village Administrator, shall determine which used waters are eligible for discharge to some point other than the sanitary sewer system, and shall have the authority to prohibit discharges which he determines to be potentially harmful to the public health, safety, or welfare; provided, however, that no used water which contains suspended matter in any form (organic or inorganic), or which contains any dissolved substances, shall be eligible for discharge to any point other than the sanitary sewer system, including storm sewers or any other watercourse.

(E) Metered deductions. Customers may purchase and install a "deduct meter" at a designated outside water outlet on their property. The meter will measure water not entering the sanitary sewer system, and shall be eligible for deduction of that used water annually.

(1) Any such meter shall be of design approved by the Village, shall be registered with the Village Clerk of the Village of New Baden prior to use, and shall be used only by the user to whom it is registered and at the service location to which it is assigned.

- (2) Customers are responsible for installing their meters at the designated service locations each year.
- (3) Customers are responsible for removing their meters at an appropriate time in the Autumn season to prevent freezing and damage.
- (4) Customers are responsible for providing the meter to the Village for reading between October 1 and October 20 of each year.
- (5) The Village Clerk shall then credit the user's sewer account by subtracting the previous reading from the current reading, as taken from the meter, multiplying the difference by the current Basic User Charge, and then deducting 100 percent of that product from the next month's billings.
- (6) The Village shall be authorized to inspect meters for accuracy at any time meter readings are suspect and not considered representative of usage.
- (7) The user will be charged an annual service fee of \$10.00 to be billed in October.

(F) Special occurrence deduction. Users may apply for a special occurrence deduction in the event that a leak in water service lines allows metered water to discharge on their property to some point other than the sanitary sewer system.

- (1) Following submission of an application for special occurrence deduction, the Village Administrator shall verify the presence of a leak, that said leak was repaired, and that the leak did not enter the sanitary sewer system.
- (2) A special occurrence deduction shall be calculated by determining the user's average monthly consumption during the 6 months immediately preceding the billing month during which the leak occurred, and then subtracting that average, from the consumption for said month. The Village Administrator shall then credit the user's sewer account by multiplying that difference by the current basic user charge, and deducting 90 percent of that product from the next monthly billing. **(Ord. 2012-08-06-G; 8-6-2012)**

ARTICLE V - SEWER SYSTEM

DIVISION I - GENERAL PROVISIONS

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

"GOVERNMENT, FEDERAL".

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

(B) "Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

(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, STATE".

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

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

"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 Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

"PERSON" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

"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 (5) feet (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 others.

(E) "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one (1) or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewers may not have been constructed with Village 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 wastewaters 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) "Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of the outstanding loan, bond, etc.

(C) "Depreciation" shall mean expenditure to establish a sinking fund for replacement of major treatment units at the expiration of the facilities' useful life.

(D) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful 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.

(E) "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 the concentration values as established in Section 38-4-16.

(F) "Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be twenty (20) years from the date of start-up of any wastewater facilities constructed with a State grant.

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

(H) "Wastewater Service Charge" shall be the charge per month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Section 38-5-21 and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

(I) "Water and Sewerage Fund" is the principal accounting designation for all revenues received in the Village's operation of the sewerage system.

"USER TYPES":

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

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

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

(D) "Residential User" shall mean all dwelling units such as houses, mobile

homes, apartments, permanent multi-family dwellings.

(E) "User Class" shall mean the type of user either "residential", "institutional/governmental", "commercial" or "industrial" as defined herein.

"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 twenty degrees Celsius (20 C), expressed in milligrams per liter.

(B) "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 Village representative to sample and/or measure discharges.

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

(D) "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.

(E) "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.

(F) "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.

(G) "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.

(H) "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.

(I) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

(J) "ppm" shall mean "parts per million" by weight.

(K) "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.

(L) "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.

(M) "Sewage" is used interchangeably with "wastewater".

(N) "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.

(O) "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

(P) "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 "Standard Methods".

(Q) "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.

(R) "Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

(S) "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.

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

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

"ORDINANCE" means this Chapter.

"VILLAGE" means the Village of New Baden.

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

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 Village or in any area under the jurisdiction of the Village, 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 Village or in area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

38-5-7 **PRIVATE DISPOSAL FACILITIES.** 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.

38-5-8 **DISCONTINUANCE OF PRIVATE DISPOSAL SYSTEM.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village 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 sewer of the Village 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 Article within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

38-5-9 **RESERVED.**

DIVISION III - PRIVATE SEWAGE DISPOSAL

38-5-10 **PRIVATE SYSTEM REGULATIONS.** Where a public sanitary sewer is not available under the provisions of Section 38-5-8, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

38-5-11 **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 Village. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Village. A permit and inspection fee of Fifteen Dollars (\$15.00) shall be paid to the Village at the time the application is filed. The fee is not refundable. (See Appendix No. 2)

38-5-12 **INSPECTION.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village. The Village shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village Clerk when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within three (3) working days of the receipt of written notice by the Village.

38-5-13 **REQUIREMENTS.** 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 permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet unless approved by the State Department of Public Health and the Village.

38-5-14 **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 38-5-8, the building sewer shall be connected to the public sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and waste material which shall

be disposed of in a lawful, sanitary and proper manner and the private disposal system shall be filled with clean, bank-run gravel or dirt.

38-5-15 **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 Village.

38-5-16 **ADDITIONAL REQUIREMENTS.** No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the County of State Health Department or other agencies having lawful jurisdiction.

38-5-17 **RESERVED.**

DIVISION IV - BUILDING SEWERS AND CONNECTIONS

38-5-18 **PERMIT REQUIRED.** No unauthorized person shall uncover, make any connections with or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

38-5-19 **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.

38-5-20 **APPLICATION FOR PERMIT; FEE.** There shall be **one (1) class** of building sewer permit for residential, commercial and industrial service. The owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented with any plans, specifications, or other information considered pertinent in the judgment of the Village. A permit and inspection fee of **One Thousand Five Hundred Dollars (\$1,500.00)** for a building sewer permit within the corporate limits of the Village and **Two Thousand Dollars (\$2,000.00)** outside the corporate limits of the Village shall be paid to the Village at the time the application is filed. The fee is not refundable. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. **(See Appendix No. 3) (Ord. No. 726; 9-11-06)**

38-5-21 **CAPACITY OF SEWER.** A building sewer permit shall be issued and a sewer connection be allowed only 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.

38-5-22 **COST AND EXPENSES.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

38-5-23 **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, or except that buildings of common ownership and control may be served by a single sewer subject to the rules and regulations of the Illinois Environmental Protection Agency.

38-5-24 **OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found upon examination and test by the Village to meet all requirements of this Code.

38-5-25 **CONSTRUCTION OF BUILDING SEWER.** The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the latest edition of the Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

38-5-26 **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 38-5-19 and discharged to the building sewer.

38-5-27 **DOWNSPOUTS.** 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 a public sanitary sewer.

38-5-28 **BUILDING SEWER; PLUMBING CODE.** Connection of the building sewer into the public sewer shall conform to the requirements of the Building Code and Plumbing Code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the latest edition of the Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

38-5-29 **NOTIFICATION FOR INSPECTION.** The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village.

38-5-30 **BARRICADES AT EXCAVATIONS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village at no expense to the Village. (See Chapter 33)

38-5-31 **ACCESS TO PREMISES.** The duly authorized officers and personnel of the Village shall have access to the users premises at all reasonable times for the purpose of inspecting and making repairs to its facilities on the user's premises or adjacent thereto.

38-5-32 - 38-5-34 **RESERVED.**

DIVISION V - USE OF THE PUBLIC SEWERS

38-5-35 **DISCHARGE OF STORM WATER INTO SEWER.** 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 SEWERS.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village and other agencies having lawful jurisdiction to a storm sewer, combined sewer, or natural outlet.

38-5-37 **PROHIBITED DISCHARGES TO SEWERS.** 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, naphtha, fuel oil or other flammable or explosive liquid, solid 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 6.0; higher than 9.0; 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 **DISCHARGES PROHIBITED IF HARMFUL.** 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 Village 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 its opinion as to the acceptability of these wastes, the Village shall 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 unless an exception is granted by the Village are:

(A) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) [sixty-five degrees Celsius (65°C)].

(B) Any waters or wastes containing toxic or poisonous materials; no fats, oils, or greases of petroleum origin in excess of 100 mg/l and no floating fats, oils, or greases from any source, which interfere with the operation of the sewage system or the sewage treatment facility.

(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 [.076 hp metric] or greater shall be subject to the review and approval of the Village.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, 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 a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

(F) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Village 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 Village in compliance with applicable State or Federal regulations.

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

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

(J) Materials which exert or cause:

- (1) unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's 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; (See Article IV of this Chapter for discharges.)
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. (See Appendix No. 1.)

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

38-5-39 **ACTION BY VILLAGE BOARD.** 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 38-4-38 and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which, in the judgment

of the Village, 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 Village may:

- (A) reject the discharge of wastes to the public sanitary sewer and sewage treatment plant;
- (B) require pretreatment to an acceptable condition for discharge to the public sewers;
- (C) require control over the quantities and rates of discharge; and/or
- (D) 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 Section 38-5-45.

If the Village 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 Village and subject to the requirements of all applicable codes, laws and regulations. The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to issuance of final approval by the Village.

38-5-40 **INTERCEPTORS**. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for 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 Village and shall be allocated as to be readily and easily accessible for cleaning and inspection.

38-5-41 **FACILITY MAINTENANCE**. 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 Village, 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 accessibly and safety located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner, at his expense, and shall be maintained by him in proper and satisfactory operating condition so as to be safe and accessible at all times. Where multiple process or discharges are present or contemplated at an industry, the Village shall have the authority to require the owner or person to furnish and install more than one (1) control manhole with appurtenances and/or require that all wastewater be discharged through a single control manhole or structure with appurtenances described herein.

38-5-43 **LABORATORY ANALYSES**. 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 demonstrate compliance with this Code and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, 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 Village at such times and in such a

manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-5-44 TESTING REQUIREMENTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association 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 shall 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 Division shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with this Chapter by the industrial concern. Provided, however, such payments shall be in accordance with Federal and State guidelines for User Charge System.

38-5-46 - 38-5-49 RESERVED.

DIVISION VI - POWERS AND AUTHORITY OF INSPECTORS

38-5-50 INSPECTION AND TESTING. The Village and duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection 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 Chapter. The Village, or its 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.

38-5-51 OBSERVATION OF SAFETY RULES. While performing the necessary work on private properties referred to in Section 38-5-50 the Village or duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. 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 Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and 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 safe conditions as required in Sections 38-5-42 and 38-5-43.

38-5-52 **PRIVATE PROPERTY INSPECTIONS.** The Village and duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village 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. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-5-53 - 38-5-54 **RESERVED.**

DIVISION VII - PENALTIES

38-5-55 **PROTECTION FROM DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest and shall be fined not less than Twenty-Five Dollars (\$25.00) and no more than Five Hundred Dollars (\$500.00).

38-5-56 **PENALTY PRESCRIBED.** Any person found to be violating any provision of this Code except Article IV shall be served by the Village 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 Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Code or violation of regulations of other agencies having lawful jurisdiction. Upon revocation of any permit to discharge, the person violating this Code or regulation shall cease and desist discharge of wastewater or industrial waste to the public sewer system and treatment works, and shall not continue the discharge in any manner which would violate State, Federal or local pollution control laws and regulations.

38-5-57 **CONTINUED VIOLATION.** Any person who shall continue any violation beyond the time limit provided for in Section 38-5-56 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-58 **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Article shall become liable to the Village by reason of such violation.