

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the **Utilities Department**. It shall include the Public Works Director, who shall be referred to hereafter as the "Director", and employees of the Department. The designated office shall be the Village Hall.

38-1-2 **UTILITIES COMMITTEE.** The Village Board standing committee on Water and Sewer shall exercise a general supervision over the affairs of the Departments. It shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the corporate authorities so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 **DIRECTOR.** The Director shall be subject to the supervision of the Water and Sewer Committee and shall be hereinafter be referred to as the "**Director**". The Director shall be appointed by the Mayor, by and with the advice and consent of the Village Board and shall hold office until a successor is appointed and qualified. The Director shall receive such salary as may be provided by the annual budget of the Village Board at the time of the appointment.

38-1-4 **DUTIES OF THE DIRECTOR.** The Director shall exercise general management and control over the respective department and

- (A) shall supervise over and be responsible for the conduct and performance of all employees of the departments as a Department Head in accordance with the Employee Code, if any.
- (B) shall be responsible for the operation and maintenance of the Village's water system and sewer system as provided in this Code.
- (C) shall be the custodian of all vehicles, equipment, structures, and property provided by the Village for the use of his department.
- (D) shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.
- (E) shall perform such other duties as may be assigned to him by the provisions of this Code or by the Village Board.

ARTICLE II – UTILITY 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, electric and sewer services from the waterworks, electric and sewer systems 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, 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 Village 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, electric or sewer systems, 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 deposit 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. A month shall be considered as hat period of approximately **thirty (30) days**.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Utility 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 within by the **fifteenth (15th) day** of the billing 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 charge heretofore established for the utility services.

- (2) If a utility bill is not paid by the **fifteenth (15th) day** of the month following billing, then the Village shall notify the customer by first-class mail of such failure to pay. When the last day of any net payment period falls on a Saturday, Sunday or a legal holiday, such period will be automatically extended to include the following first full business day. The notice to the customer and/or property owner shall state the following:
 - (a) Name and address of the consumer and the amount of his or her bill.
 - (b) The date, time, and location of the hearing to be held.
 - (c) That the consumer has a right to be heard and to present evidence in his or her behalf to challenge the existence, amount, and current collectability of the bill.
 - (d) That if the consumer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
 - (e) The date of termination.

[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]
- (3) The time, date and location of the hearing shall be determined by the Village Administrator. The Village Administrator or designee shall preside over the hearing and shall make a determination as to the rights of the consumer and the Village based on the information received at the hearing. **(See Appendix #6)**
- (4) The customer shall be notified within **five (5) working days** of the decision rendered by the hearing officer. Notice of the hearing officer's decision shall be made by first-class mail. If the decision of the hearing officer is unsatisfactory to the customer, the customer may, within **ten (10) working days** of the mailing of the decision, file in writing a request for a review. Such writing shall state as completely as possible the basis and nature of the dispute. Should the customer timely file a written request for review, the Mayor shall review the decision of the hearing officer and the customer's written request and make a final determination as to the rights of the consumer and the Village. 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.
- (5) If the hearing officer and/or Mayor decides in favor of the Village, the Village 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, or should the customer fail to timely write a request for review, then the Village shall also have the right to terminate the customer's utility services without further proceedings.
- (6) If utility services are going to be terminated under this Code for a person renting, leasing, or occupying a structure, the property owner may sign the prescribed release form in the Village Clerk's

office specifying that he or she waives the utility cut-off provisions of this Code and assumes responsibility for all utility fees, charges, and late charges for the person renting, leasing, or occupying his or her property. The Village Board reserves the right to terminate the utility services if the terms and conditions of the waiver are not followed.

- (7) Once utility services have been disconnected [terminated], 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 Dollars (\$20.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services. ((Ord. 1594; 6-6-16)

(I) **Lien Notice.**

- (1) Whenever a bill for utility services remains unpaid for **forty-five (45) days** after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim or submit the bill for collection through the Illinois Comptroller Local Debt Recovery program. If a lien has been filed, the lien must be release before the bill may be submitted for collection through the Illinois Comptroller Local Debt Recovery program. The lien 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.
- (2) If the consumer of utility services whose bill is unpaid is not the owner of the premises, and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his or her address is known to the Clerk, whenever such bill remains unpaid for a period of **forty-five (45) days** after it has been rendered.
- (3) 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. (Ord. 1594; 6-6-16)

(J) **Foreclosure of Lien.**

- (1) Property subject to a lien for unpaid utility charges shall 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 billed in the name of the Village.
- (2) The Village Attorney is 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 **forty-five (45) days** after it has been rendered.

(K) **Returned Checks.** If any check submitted in payment for utility services, deposits, or other utility related charges, is returned unpaid due to insufficient funds, or for any other reason, there shall be a Service Fee of **Twenty-Five Dollars (\$25.00)**

assessed and added to the account. This fee shall be in addition to any other amounts due and payable on the account. **(Ord. No. 1229; 10-02-06)**

38-2-2 CONSUMER LISTS. It is made the Clerk's duty 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 second regular monthly meeting.

38-2-3 LIABILITY FOR CHARGES. The owner of any lot, parcel of land, or premises receiving utilities 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.

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.

38-2-5 METER MALFUNCTION. Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of **Sixty-Five Dollars (\$65.00)**. If upon test the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the **Sixty-Five Dollar (\$65.00)** fee returned to the consumer.

38-2-6 NO FREE SERVICE. No free service shall be furnished to any person or corporation, public or private, and all rates and charges shall be nondiscriminatory, 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.

38-2-7 UTILITY DEPOSITS; RENTERS. When any application is made for utility services in accordance with the provisions of this Code, all applicants of rented or leased property for which the service is requested shall deposit with the application the applicable amounts enumerated in the following paragraphs:

(A) **Residential.** The following deposits shall be made for residential service:

<i>Inside Village</i>		<i>Outside Village</i>	
Water:	\$25	Water:	\$40
Sewer:	\$25	Sewer:	\$40
Electric:	\$100	Electric:	\$100

(B) **Commercial and Industrial.** The following deposits shall be made for commercial and industrial services:

Inside Village

Water: \$50
 Sewer: \$50
 Electric: \$200

Outside Village

Water: \$80
 Sewer: \$80
 Electric: \$200

(C) **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 or her 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.

(D) **Meter Ownership.** All utility meters shall remain the property of the Village after termination of service.

38-2-8 UTILITY DEPOSITS; OWNERS. When any application is made for utility services in accordance with the provisions of this Code, all applicants, who are owners of the property for which the service is requested, shall deposit with the application the following amounts depending upon the type of service:

(A) **Residential.**

Inside Village

Water: \$15
 Sewer: \$15
 Electric: \$20

Outside Village

Water: \$30
 Sewer: \$30
 Electric: \$40

(B) **Commercial and Industrial.**

Water: \$30
 Sewer: \$30
 Electric: \$40

Water: \$60
 Sewer: \$60
 Electric: \$80

38-2-9 PERMITS REQUIRED. Utility services shall not be turned on until the applicant or customer has obtained a valid building permit and zoning occupancy permits issued by the Village or the County.

ARTICLE III - WATER SYSTEM

DIVISION I - DEFINITIONS

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

(A) **Federal Government.**

- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
- (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **State Government.**

- (1) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.
- (2) **"Director"** means the Director of the Illinois Environmental Protection Agency.
- (3) **"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.

(C) **Local Government.**

- (1) **"Approving Authority"** means the Board of Trustees of the Village of Freeburg or where such authority is specifically delegated, the Director of the Water and Sewer Department.

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

(E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.

(F) **Water and Its Characteristics.**

- (1) **"ppm"** shall mean parts per million by weight.
- (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml 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.
- (3) **"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.

(G)

- (1) **"Curb Stop"** 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 a curb stop.
- (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.

- (3) **"Service Box"** shall mean a valve box used with corporation or curb cock.

(H)

Types of Charges.

- (1) **"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 this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
- (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
- (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.
- (4) **"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.
- (5) **"Capital Improvement Charge"** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) **"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.
- (7) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful 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.
- (8) **"Useful Life"** shall mean the estimated period during which the water works will be operated.
- (9) **"Water and Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the water system.

38-3-2 - 38-3-3 RESERVED.

DIVISION II – GENERAL REGULATIONS

38-3-4 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 Appendix #1)**

38-3-5 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.

38-3-6 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.

38-3-7 INSTALLING AND MAINTAINING SERVICE LINES.
 (A) The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths (3/4) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Director.

(B) 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.

(C) Plastic underground water piping shall have a continuous 12 gauge [or larger] solid copper tracer wire installed with and attached to the top of the plastic water piping material every eight feet. This wire shall extend from the visible area in the meter pit to the exterior of the building served. **(Ord. No. 1608; 11-21-16)**

38-3-8 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.

(C) **Inspection and Approval of Nonstandard Water System Taps and Connections.**

- (1) All nonstandard tap-ins, installation, or connections shall be inspected by appropriate Village staff.
- (2) Nonstandard taps and connections are defined as those taps or connections to the water system which are installed by contractors other than Village personnel.
- (3) The applicant for a water tap-in or connection shall notify the Village when the nonstandard privately installed connection/ installation or repair is ready for inspection and prior to connecting to the Village water system. The connection shall be made only under the supervision of the Village Public Works Director or Village Board authorized representative or, in the absence of the Public Works Director, the director designee. It shall be unlawful for a water tap-on, connection, or installation to be covered or backfilled without prior inspection and approval by the Village Public Works Director, his or her designee in his or her absence, or Village Board authorized representative.
- (4) The Village Board authorized representative, Public Works Director, or, in his or her absence, his or her designee, shall have access at all reasonable times to all premises of Village water system customers or those which have been accepted or approved to receive water service.

(D) **Inspection.** Before service can be turned on, the Village shall inspect all customer-side connections to Village water meters before backfilled.
(Ord. No. 876; 05-20-96)

38-3-9 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, repairing, and replacing 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.

38-3-10 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present Waterworks System and all use or service of the system shall be upon the express condition that the Village shall 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, extensions or renewals.

38-3-11 RESALE OF WATER. No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

38-2-12 MAINTENANCE OF WATER LINES OUTSIDE THE VILLAGE. The Village shall replace all water mains when it has been deemed necessary to do so in order to maintain service outside the Village. The Village shall limit its responsibility to maintaining outside water lines to the water mains and not to the service lines. The property owner shall be responsible for the service line from the corporate stop or the water main to the water meter as well as the line from the meter into the premises served.

38-3-13 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.

38-3-14 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.

38-3-15 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 Director 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 Director.

38-3-16 FIRE HYDRANTS.

(A) All hydrants shall be owned, and maintained by the Village and used only by the Village, the United States Government or its agencies, the State of Illinois or its agencies and the Fire Protection District with whom the Village has an Intergovernmental Agreement regarding the provision of fire hydrants.

(B) The Village will undertake and maintain fire hydrants located within the Village limits and owned by the Village in good working order as reasonably as possible, however, it shall not be liable and shall not assume any responsibility or liability for the condition of any fire hydrant inside or outside the Village limits, or the pressure or amount of water obtainable therefrom, or any damages, either direct or resultant because of the condition, pressure, or amount of water available from any fire hydrant.

(C) All hydrants installed on the Village's water supply system shall have **one (1) four and one-half (4 ½) inch** outlet and **two (2) two and one-half (2 ½) inch** outlets; shall utilize National Standard Fire Hose Thread; shall have hydrant valves which open in the counterclockwise direction; shall be color coded in accordance with NFPA (National Fire Protection Association) Standard 291; and shall comply with the provisions of the Illinois Fire Hydrant Act (**425 ILCS 20**).

(D) All public fire hydrants located outside the Village limits and owned by the Village will be maintained in as good working order as reasonably possible, however, the Village shall not be liable and shall not assume any responsibility or liability for the condition of any fire hydrant, or the pressure or amount of water obtainable therefrom, or any damages, either directly or indirectly resulting from the condition, pressure or quantity of water available at the hydrant. The public fire hydrants shall be used only for the purpose of extinguishing fire, except when the Village may issue a special permit for their use of contractors who shall then be responsible for the hydrants and the use of water from them. (**Ord. No. 1266; 10-15-07**)

38-3-17 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the Village 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 Village supply during such an emergency.

38-3-18 **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.

38-3-19 **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.

38-3-20 **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the Village 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 Director.

38-3-21 **USE OF WATER ON CONSUMER'S PREMISES.** The Village 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 Village for the water used by the Village.

38-3-22 **ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND VILLAGE.** The Village shall maintain and repair all water service pipes between the water mains and the water meter. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the Village's expense. Any repairs or renewals of water service pipes beyond the water meter shall be made at the sole expense of the consumer or owner of the premises.

38-3-23 **VILLAGE NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The Village 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 Village 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 Village 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 Village street improvements, the Village 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.

38-3-24 AUTHORITY FOR MAKING AND REPAIRING WATER CONNECTIONS. Water taps and repairs on Village right-of-ways or property shall be made only during regular business hours in the Village, unless it is in case of an emergency. In case of an emergency, the excavator/owner shall notify the Village before beginning work. Scheduled repairs or taps on weekends or holidays is not permitted on Village right-of-ways or property. **(Ord. No. 1032; 05-20-02)**

38-3-25 WATER WELL PERMITS REQUIRED. It shall be unlawful to drill a water-well in the Village without the proper permits from the State of Illinois and the Village Board. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

38-3-26 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 Director 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 Director 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 Director shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

38-3-27 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.

38-3-28 **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.

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

DIVISION III - CROSS-CONNECTION ADMINISTRATION

38-3-31 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 Director, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director 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-CONNECTIONS WITH PRIVATE WATER SOURCES PROHIBITED. 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 of the Village enters the supply or distribution system of the Village. Physical connection between private water sources and any plumbing system connected to the public water supply shall be strictly prohibited whether or not such connection is made through an approved backflow device. **(Ord. No. 1442; 12-03-12)**

38-3-33 INVESTIGATIONS BY DIRECTOR. It shall be the duty of the Director 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 Director 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 Director 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 Director 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 Director 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 Director, be evidence of the presence of improper connections as provided in this Chapter.

38-3-35 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The Village 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 Village Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Director 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 Director 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 Director 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 - WATER MAIN EXTENSIONS

38-3-41 APPLICATION. Any person within the service areas of the utility systems and desiring the extensions of the mains to the premises shall make application therefor to the Water Department and in making the application, shall present a plat showing the area to be served by the main extension.

38-3-42 PLAT OF PROPOSED EXTENSION.

(A) The plat shall be submitted by the Village Clerk to the Engineer and the Mayor of the Village Board for determination of the size and lengths of the utilities installations, location of fire hydrants, water service valves, and other appurtenances to be installed, based upon the following provisions.

- (1) All water mains shall have lines that are **eight (8) inches** in diameter or greater. All water mains in all zoning districts except A (Agriculture) within the corporate limits of the Village or in any unincorporated area served by the Village water system shall have a water supply, under normal operating conditions, of not less than **one thousand (1,000) gallons** per minute with available residual pressure of at least **twenty (20) pounds** per square inch from fire hydrants installed on the Village water supply system. The method and/or equipment employed to meet this requirement shall be subject to the approval of Village. A certification of a Registered Professional Engineer shall be submitted with each proposed water main extension certifying that the proposed water main extension will meet or exceed the flow and residual pressure requirements of this Section. (Ord. No. 1266; 10-15-07)
- (2) Fire hydrants shall be so located so that no premises will be more than **three hundred (300) feet** from a fire hydrant except that, in the event of large lot sizes, the maximum spacing between fire hydrants shall be **eight hundred (800) feet. (Ord. No. 1266; 10-15-07)**
- (3) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property, and if the last lot to be served is a corner lot or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersecting street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.
- (4) The Village may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the village to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed. Main trunk lines may be installed by the village at no cost to the developer, however, lots or properties fronting directly thereon which may be served by a service connection to the

main will be charged the average amount per connection as found in subdivisions currently being constructed.

- (5) The village reserves the right to further extend its water mains from and beyond the terminus of each water main extension made under this chapter. The applicant or the applicant's agent paying for an extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved. (Extensions made under this rule shall be and remain the property of the village.)
- (6) Before the village mains will be laid hereunder in any new subdivision, it is understood and agreed that the road surface will be brought to the extended sub-grade, and the applicant/developer of such new subdivision shall furnish the village with a right-of-way agreement in suitable form to the village, unless the streets of the new subdivision have been dedicated to public use.
- (7)
 - (a) When a pipe line is to be installed in a paved or unpaved street, a service line of 1-inch Type 'K' Copper is to be provided to the center line of each lot for a one-family dwelling. The service line is to terminate at a point three to five feet inside the property line in a meter box.
 - (b) When a business or an apartment house is to be served, the applicant shall contact the Utilities Department to obtain the proper size for the service.

(B) All planned water main extensions in the Village or served by the Village shall be submitted to the Fire Protection District for review and recommendation. The District shall have **ten (10) days** from receipt of such plans to issue its recommendation to the Village. Failure of the District to issue its recommendation within this time limit shall be considered a positive recommendation of the plan as submitted. **(Ord. No. 1266; 10-15-07)**

38-3-43 **ENGINEER TO PREPARE PLANS.** After approval of design, plans and specifications shall be prepared in accordance with the foregoing and with specifications for utility main extensions from time to time adopted by the Village Board. The plans and specifications shall be prepared by the Village Engineer or a Civil Engineer acceptable to the Village Board.

38-3-44 **SEALED BIDS; LARGER PIPE REQUIRED.** Sealed bids shall be received by the Village Board after advertisement, not less than ten days prior to the date of the receiving of the bids, and after receipt thereof, the applicant shall deposit with the Village Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material, and all costs of engineering and inspection. Excepting that if the village should require the installation of a size of pipe larger than is found by the village engineering standard to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision with the village standing the additional cost for a larger line.

38-3-45 **CONTRACT.** Upon a deposit of the moneys by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the village, as outlined in **Appendix A.**

38-3-46 - 38-3-49 **RESERVED.**

DIVISION V – WATER RATES

38-3-50 **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.

38-3-51 **WATER REVENUES.** All revenues and moneys derived from the operation of the Water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from its private funds and separate and apart from all other funds of 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 Board of Trustees. The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewer System Fund of the Village". The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-3-52 **WATER ACCOUNTS.** The Village Treasurer 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 system, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the water plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed per fiscal year.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.

38-3-53 **ACCESS TO BOOKS.** The Illinois 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 system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement with the Village.

38-3-54 **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 sewer system 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 sewer treatment services.

38-3-55 **APPEALS.** The method for computation of rates and service charges established for user charges in **Article IV Division I** shall be made available to a user within **fifteen (15) 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.

38-3-56 **ADEQUACY OF SERVICE CHARGES.** The adequacy of the water service charge shall be reviewed, not less often than annually by the Village Board of Trustees with assistance if requested by the Board from the Village Engineer and any accountant performing audit services for the Village. The water service charge rates shall be revised periodically to reflect the change in local capital costs or operation, maintenance and replacement costs. The rates established by the Village from time to time shall include a basic user charge, a debt service charge, and a capital improvement charge. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

- (A) Estimate the annual water volume;
- (B) Estimated the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories;
- (C) Compute costs per **one thousand (1,000) gallons.**

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

38-3-57 **COMPUTATION.** The method for computation of rates and service charges established for user charges in this Article shall be made available to a user within **twenty (20) days** of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village within **forty-five (45) days** after notification of a formal written appeal outlining the discrepancies.

38-3-58 **WATER SERVICE CONNECTION.**

(A) **Inside the Village.** The applicant or customer shall pay the sum of \$500 in advance for each water service connection, plus the cost of all labor and materials furnished by the Village Water Department. The Office Manager may require all of the extra fees and charges to be paid in advance. Inside the village, the Water Department shall construct the water line to the applicant's property line.

(B) **Outside the Village.** The applicant or customer shall pay the sum of \$1,000 in advance for each water service connection outside the village limits, plus the cost of

all labor and materials furnished by the Village Water Department. The Office Manager may require all of the extra fees and charges to be paid in advance.

(C) **Minimum Per Unit.** Each and every residential unit, apartment unit, business, or industry shall pay a minimum connection fee of \$500 inside the village and \$1,000 outside the village, plus labor and materials.

(D) **Special Meter Location.** The Public Works Director may locate a meter somewhere other than at the applicant's property line if special circumstances justify an alternate location. In all cases wherein a water meter is not located at the property line, the applicant shall be responsible for all water line construction costs, repairs, and maintenance from the property line to the meter location.

(E) **Plumbing Code and Local Connection Requirements.** All service connections made to the water mains shall conform to the regulations of this code and of the Illinois Plumbing Code, and all connection parts, materials, and components used in the connection of private water services to village public water system shall meet or exceed the following local requirements. Tapping saddles and meter yokes shall be all copper and equal to or greater than in quality to 20" plastic meter tiles, drop-in style meter lids with collars, Badger Meter water meter bases, or any other connection devices which are approved by the Public Works Director. No contractor or private installation shall deviate from these materials without prior written permission from the Public Works Director.

(Ord. No. 1001; 06-18-01)

38-3-59 WATER RATES. The following rates for the use and service supplied by the waterworks system shall be based upon the amount of water consumed as follows:

(A) **Water Service - Inside Corporate Limits.**

- (1) Rates effective for bills due **January 7, 2013**
 - (a) Minimum charge \$6.52 for usage up to 1,000 gallons
 - (b) Delivery charge \$6.22 per 1,000 gallons in excess of the first 1,000 gallons
 - (c) Depreciation charge \$0.99 per 1,000 gallons
 - (d) Capital reserve charge \$0.21 per 1,000 gallons

(Ord. No. 1477; 10-07-13)

(B) **Water Service - Outside Corporate Limits.**

- (1) Rates effective for bills due **January 7, 2013**
 - (a) Minimum charge \$12.34 for usage up to 1,000 gallons
 - (b) Delivery charge \$8.98 per 1,000 gallons in excess of the first 1,000 gallons
 - (c) Depreciation charge \$1.50 per 1,000 gallons
 - (d) Capital reserve charge \$0.32 per 1,000 gallons

(Ord. No. 1477; 10-07-13)

(C) **Manufactured Home Park Water Service – Inside Corporate Limits.**

- (1) The Village shall install a "master meter" at or near the property line where the water service enters each Mobile Home Park.
- (2) The water distribution system, individual service connections and metering within Manufactured Home Parks shall remain the property and responsibility of the park owners.
- (3) On or before **May 15, 2006**, the owner of each Manufactured Home Park shall install, at his or her expense, radio-read metering

equipment at each lot or Manufactured Home space. In order to assure compatibility of metering equipment, all such equipment shall be furnished by the Village with the actual cost thereof being billed to the park owner.

- (4) Master meters and individual meters within manufactured home parks shall be read, as closely as possible, to the same time.
- (5) Individual customers within Manufactured Home Parks shall be billed in accordance with the rates specified in paragraph (A).
- (6) Each Manufactured Home Park owner shall be billed, in accordance with the rates specified in paragraph (A), for all water consumption within the park that is more than **eight percent (8%)** in excess of the total water consumption measured by the individual meters. **(Ord. No. 1350; 05-03-10)**

(D) **Manufactured Home Park Water Service – Outside Corporate Limits.** Water service rates and requirements for Manufactured Home Parks outside the corporate limits shall be as specified in paragraph (C) except that all rates shall be as specified in paragraph (B).

(E) **Fire Hydrants; Fee.** Pursuant to the provisions of the last bond issue ordinances for the waterworks system, there shall be a fee of \$35 per fire hydrant paid by the Freeburg Fire Protection District to the Village. These funds shall be used to maintain the fire hydrants on the village waterworks system. **(Ord. No. 1208; 02-21-06)**

38-3-60 REQUESTED SHUT-OFF. If user requests water to be shut off, there will be a **Twenty Dollar (\$20.00)** fee to have the water turned on again.

38-3-61 - 38-3-64 RESERVED.

ARTICLE IV - WASTEWATER SYSTEM

DIVISION I - DEFINITIONS

38-4-1 **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 Director of the Village 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) **"Director"** shall mean the Director or other person or persons duly authorized by the Village to inspect and approve the installation of building sewer 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.

"WASTEWATER 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 sewer, 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 Village. It shall also include sewer 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 the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

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

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

"TREATMENT":

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

(B) **"Sewer Treatment Works"** shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer 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) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer 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) **"Sewer Service Charge"** shall be the charge per quarter or month levied on all users of the Sewer 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 Village 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 sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated and the sewer 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 any non-governmental user of 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 sewer 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 sewer 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 sewer, with no particle greater than **one (1/2) half inch (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "sewer".

(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 sewer and sewer treatment facilities provided.

(P) **"Sewer"** 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.

DIVISION II

USE OF PUBLIC WASTEWATERS REQUIRED

38-4-4 **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.

38-4-5 **SEWAGE IN NATURAL OUTLET.** 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 Code.

38-4-6 **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 wastewater.

38-4-7 **CONNECTION TO SYSTEM REQUIRED.** 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 (or combined) 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 Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **one hundred fifty (150) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

38-4-8 **AUTHORITY FOR MAKING AND REPAIRING SEWER CONNECTIONS.**

(A) It shall be unlawful for any person to make, install, repair, alter, disturb, uncover, open, or break any sewer connection to the sanitary sewerage system of the village without first obtaining, on application filed with the Village Clerk, a written permit therefore issued by the Village Board or its authorized representative. (See Sec. 53.046)

(B) Sewer taps and repairs on Village right-of-ways or property shall be made only during regular Village business hours, unless it is in case of an emergency. In case of an emergency, the excavator/owner shall notify the Village before beginning work. Scheduled repairs or taps on weekends or holidays is not permitted on Village right-of-ways or property. **(Ord. No. 1033; 05-20-02)**

(C) Plastic underground sewer piping shall have a continuous 12 gauge [or larger] solid copper tracer wire installed with and attached to the plastic sewer piping material every eight feet. This wire shall extend from the sewer pipe connection at the property or right-of-way line to the connection at the building drain. This tracer wire shall terminate (in a visible location) 12" above ground at the sewer/building drain connection or the cleanout. **(Ord. No. 1608; 11-21-16)**

38-4-9 **RESERVED.**

DIVISION III

PRIVATE SEWAGE DISPOSAL

38-4-10 **PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-4-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-4-11 **HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the Village (**reference Appendix #3**) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Director. A permit and inspection fee of **One Hundred Dollars (\$100.00)** shall be paid to the Village at the time the application is filed.

38-4-12 **PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director. 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 Director 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 Director.

38-4-13 **COMPLIANCE WITH STATE 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 **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-4-14 **AVAILABILITY OF PUBLIC WASTEWATER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-4-7**, 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. (**Sec. 53.067B**)

38-4-15 **OPERATION 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.

38-4-16 **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Director.

38-4-17 - 38-4-20 **RESERVED.**

DIVISION IV

BUILDING WASTEWATER AND CONNECTIONS

38-4-21 DISTURBING SYSTEM UNLAWFUL. 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 Director.

38-4-22 COMPLIANCE WITH REGULATING AUTHORITIES. 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.

38-4-23 CLASSES OF PERMITS.

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

- (1) Residential sewer service.
- (2) Service to Commercial or Institutional establishments or industrial sewer service.

(B) In either case, the owner or his agent shall make applications on a special form furnished by the Village. **(See Appendix #4)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to this Division of this Article.

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. The industry, as a condition of permit authorization, shall provide information describing its sewer constituents, characteristics and type of activity.

38-4-24 COST BORNE BY OWNER. All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-4-25 SEPARATE WASTEWATER: EXCEPTION. 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; except for sewer connection charges accruing from such buildings or properties. **(Sec. 53.068)**

38-4-26 **OLD BUILDING WASTEWATER.** Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Code. **(Sec. 53.069)**

38-4-27 **CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Director. 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 **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) Ductile iron pipe
- (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 Village. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

38-4-28 **PLUMBING CODE REQUIREMENTS.** 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 **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

38-4-29 **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 38-4-22** and discharged to the building sewer. **(Sec. 53.063)**

38-4-30 **PROHIBITED CONNECTIONS.** 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.

38-4-31 CONNECTIONS TO WASTEWATER MAINS. Building Sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the Village, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of **one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the Village before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

On Site Inspection. After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Director, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

Backfill. To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewer crossing any street, or traveled alley shall be backfilled with CA-86 backfill material.

Concrete Encasement. When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1' 6")** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-4-32 CAPACITY OF WASTEWATER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer facilities, including sewer, pump stations and sewer treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-4-33 TAP-IN SUPERVISION AND TESTING. 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 Director or his representative.

At any time after the installation of the building sewer, the Village may test the building sewer for violation of this Code.

38-4-34 **INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Director that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet Village 's requirements.

38-4-35 **PUBLIC WASTEWATER CONNECTION.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes, 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 **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.

38-4-36 **PROTECTION OF PROPERTY.** 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.

38-4-37 **BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the Village, the applicant 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.

38-4-38 **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.

38-4-39 - 38-4-41 **RESERVED.**

DIVISION V - EXTENSION OF COLLECTING WASTEWATERS

38-4-42 **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, other than an authorized employee of the Village, shall make any connection with, uncover, alter or disturb a Village sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the Village, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any Village sewer, without first obtaining a written permit to do so from the Village. **(See Appendix #2)**

38-4-43 **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 Village.

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

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

If the application is denied by the Village, 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 Village for further consideration.

All permits issued under this Article IV shall have an expiration date of **two (2) years** after the date of issuance. Any sewer 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. **(Sec. 53.073)**

38-4-44 **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.

38-4-45 **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer 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 Village 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 sewer 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 Village, air pressure testing with allowance to be specified by the Village.

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 Village '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 Village. **(See Appendix #5)**

38-4-46 **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-4-47 - 38-4-48 **RESERVED.**

DIVISION VI

WASTEWATER USE REGULATIONS

38-4-49 **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. **(Sec. 53.085)**

38-4-50 **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director, to a storm sewer, or natural outlet. **(Sec. 53.085(B))**

38-4-51 **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any gasoline, benzene, naphtha, 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 higher than 10.5 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 sewer, 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.

38-4-52 **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 Director that such wastes can harm either the sewer, 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 Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, 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: **(In Part Sec. 53.085(5)(6))**

(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 Village.

(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 Village 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 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 Hq** at any time except as permitted by the Village 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. **(Reference Appendix #7)**

(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 Village in compliance with applicable State and Federal regulations.

(Sec. 53.086)

38-4-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics

enumerated in **Section 38-4-52** 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 Director 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 Director 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 **Section 38-4-42**.

(B) If the Director 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 Director, 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 Director.

(D) 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 control manhole with appurtenances and/or require that all sewer be discharged through a single control manhole or structure with appurtenances described herein. **(Sec. 53.087)**

38-4-54 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 Village and shall be 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 of 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 Village wastewater collection and treatment system may be liable to the Village 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 Village or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the Village. 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 Village on an annual basis. Records shall be submitted by **September 1st** of each year. The records shall be submitted to:
Attn: Wastewater Director

(E) The Village will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Village, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the Village 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, Greases (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Village 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 Village Engineer.
- (3) Said interceptor and installation is approved by the Director and the Water and Sewer Committee.

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

(Sec. 53.088)

38-4-55 **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. **(Sec. 53.089)**

38-4-56 **INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Director, 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 Director. 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. **(Sec. 53.090)**

38-4-57 **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 Village 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 Village, but no less than once per year the industry must supply a complete analysis of the constituents of the sewer 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.

38-4-58 **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.) **(Sec. 53.091)**

38-4-59 **SPECIAL ARRANGEMENTS.** No statement contained in this Article 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 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 I of this Code) (Sec. 53.092)**

38-4-60 - 38-4-64 RESERVED.

DIVISION VII**INSPECTIONS**

38-4-65 **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. **(Sec. 53.112)**

38-4-66 **INSPECTION AND TESTING.**

(A) The Director and other duly authorized employees of the Village, 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 Director 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 sewer or waterway or facilities for waste treatment. **(See Appendix #5) (Sec. 53.125)**

38-4-67 **LIABILITY OF VILLAGE.** While performing the necessary work on private properties referred to in **Section 38-4-66** above, the Director or duly authorized employees of the Village, 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 Village employees and the Village 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 38-4-57. (Sec. 53.127)**

38-4-68 **PRIVATE PROPERTY INSPECTIONS.** The Director and other 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, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **(Sec. 53.128)**

38-4-69 - 38-4-70 **RESERVED.**

DIVISION VIII – SEWER RATES AND FEES

38-4-71 **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.

38-4-72 **SEWER REVENUES.** All revenues and moneys derived from the operation of the sewer system shall be deposited in the Sewer Fund. All such revenues and moneys shall be held by the 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 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 Treasurer shall receive all such revenues from the sewer system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewage Fund of the Village".

The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq. (Sec. 53.108/53.109)**

38-4-73 **SEWER ACCOUNTS.** The Treasurer 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 sewer system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewer 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 sewer 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.

(Sec. 53.110)

38-4-74 **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 sewer system 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 sewer treatment services.

38-4-75 **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 state grant or loan.

38-4-76 **APPEALS.** The method for computation of rates and service charges established for user charges shall be made available to a user within **fifteen (15) 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.

38-4-77 **BASIS FOR WASTEWATER SERVICE CHARGES.** The sewer service charge for the use of and for service supplied by the sewer facilities of the Village 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 sewer volume, pounds of SS and pounds of BOD to be treated.
- (2) Estimate the projected annual revenue required to operate and maintain the sewer 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 sewer facility categories by Volume, Suspended Solids and BOD.
- (5) Compute costs per 1000 gal. for normal sewage strength.
- (6) Compute surcharge costs per pound per 1000 gal. 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 38-4-80** specifies the procedure to compute a surcharge.)

(E) The **adequacy of the sewer service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The sewer 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 sewer 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 sewer treatment operation, maintenance and replacement.

38-4-78 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 sewer 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 sewer, the person shall 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 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 Village. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

38-4-79 USER CHARGE SYSTEM. The following rates are established for the User Charge system:

(A) **Basic User Charge.** There shall be and there is hereby established a basic user charge of \$_____ per **1,000** gallons of metered water consumption to be applied to all users to recover O, M & R costs.

(B) **Debt Service Charge.** There shall be and there is hereby established a debt service charge of \$_____ per **1,000** gallons to each user of the sewer facility.

(C) **Rates.** A minimum charge of \$_____ **per month** shall be applied to all users whose water consumption does not exceed **2,000 gallons** per month. This minimum charge includes \$_____ for operations, maintenance and replacement costs, \$_____ for debt service costs, and \$_____ for administrative costs. Usage in excess of **2,000** gallons per month shall be charged \$_____ per **1,000 gallons.**

(D) **Summary of Sewer Charge.**

(1)	Rate for Inside Village.	
	First 1,000 gallons	\$9.17 MINIMUM PER MONTH
	Over 1,000 gallons	\$4.40 per 1,000 gallons
(2)	Rate for Outside Village.	
	First 1,000 gallons	\$11.46 MINIMUM PER MONTH
	Over 1,000 gallons	\$4.40 per 1,000 gallons

(Ord. No. 1330; 09-08-09)

(E) It is made the duty of the Village Office Manager to render bills for such service and all other charges in connection therewith and to collect all moneys due thereon.

(F) The Village shall notify users of the wastewater treatment system annually in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance, and replacement as specified in this Section.

38-4-80 **COMPUTATION OF WASTEWATER SERVICE CHARGE.** The sewer service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu-X)CU + CS$$

- Where
- CW = Amount of waste service charge (\$) per bill period.
 - CC = Capital Improvement Charge
 - CD = Debt Service Charge.
 - CM = Minimum Charge for Operation, Maintenance and Replacement.
 - Vu = Sewer Volume for the billing period.
 - X = Allowable consumption in gallons for the minimum charge.
 - CU = Basic User Rate for Operation, Maintenance and Replacement.
 - CS = Surcharge, if applicable. (**Section 38-4-81**).

38-4-81 **SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

- per lb. of BOD: \$0.26 in excess of 200 mg/l
- per lb. of SS: \$0.39 in excess of 225 mg/l

38-4-82 **APPLICATION FOR SEWER CONNECTIONS.**

(A) Sewer connections to the sanitary sewer mains or laterals of the village located within the village shall be made by application filed with the Office Manager as provided in **Section 38-4-83** and accepted by the Director or his authorized representative in writing. The applicant for such sewer connection shall pay all costs of labor and materials for installing the sewer connection, and installation may be made only after the issuance by the Director of a permit authorizing the sewer connection and specifying the size, grade, and material thereof. The sewer connection shall impose liability for a monthly wastewater service charge to be initially billed the owner, applicant, or resident of the property connected to the sewer system. The permit fee for such sewer connection shall be as follows:

<i>Type of Connection</i>	<i>Inside Fee</i>	<i>Outside Fee</i>
Residential connection	\$750 per unit	\$1,500 per unit
Commercial or industrial connections	\$750 per unit	\$1,500 per unit
Apartments	\$750 per unit	\$1,500 per unit

<i>Type of Connection</i>	<i>Inside Fee</i>	<i>Outside Fee</i>
Mobile homes	\$750 per unit	\$1,500 per unit
Schools, hospitals, public buildings, and churches	\$750 per unit	\$1,500 per unit

(B) After notification by letter, newspaper, or public posting, the property owner, applicant, or resident has 90 days in which to complete the tap-in.

(C) **Permit to Connect.** No connection shall be made with the sewerage system without the supervision of the Public Works Director, or his or her authorized representative and the issuance of a permit by the Village as provided in this Chapter; and any connection to the system or opening made in the system in violation of this Chapter shall subject the offender to the penalties provided for in **Section 1-1-20. (See Sec. 53.018)**

(D) The sewer connection fee shall be waived for residential connections from existing residences served by an existing on-site wastewater disposal system which are required under **Section 38-4-70** and paragraph (B) of this Section to subsequently connect to a public sewer. **(Ord. No. 1449; 01-22-13)**

38-4-83 AUTHORITY FOR MAKING SEWER CONNECTIONS.

(A) No person shall make any sewer connections to the sanitary sewer main on laterals of the Village except on written application filed with the Village and written acceptance thereof by the Director or his authorized representative.

(B) No new sewer connections shall be made unless adequate capacity is available in downstream sewers, lift stations, force mains and wastewater treatment plants, including capacity for treatment of BOD and suspended solids.

38-4-84 STRUCTURE DEMOLITION - SEWER. Upon demolition of any structure served by a sewer connection, or if any existing sewer connection is temporarily or permanently abandoned for any reason, the connection shall be properly capped, sealed, or otherwise secured to prevent the entrance of any soil, water, or other materials into the sewer system. It shall be unlawful for the abandoned sewer connection to be covered or backfilled without prior inspection and approval by the Public Works Director or authorized representative. **(Ord. No. 1441; 12-03-12)**

38-4-85 EXTENSIONS AND SEWER CONNECTIONS TO EXTENSIONS.

(A) Applicants who are owners of the premises of abutting on the sewer mains or laterals of the Village who desire sewer service from the Village shall install, at their expense, sewer main or lateral extensions so as to provide sewer facilities for their premises. No person shall make any extension to a sanitary sewer main or lateral of the Village except as provided in this Section.

(B) All extensions to the sewer mains or laterals of the Village shall be made only after written application filed with the Village, approval as to size, grade, and materials by the consulting engineers of the Village, and issuance by the Village of a permit authorizing the same to be constructed and attached to the existing sewer mains or laterals of the Village, and

thereupon said extensions shall become part thereof. There shall be no special permit fee for the construction of an extension to the Village sewer main or laterals.

(C) After completion and acceptance of a sewer main or lateral extension, title to it shall be transferred and conveyed to the Village by the owner (or owners) free and clear of any and all liens and encumbrances, without cost to the Village, and thereafter, the Village shall assume all costs of maintenance and repair of such extension.

(D) Applicants making sewer connections to sewer main extensions or lateral extensions under the provisions of this Section shall pay all costs of labor and materials for installing the same.

(E) The permit fee for any sewer connection to a sewer main or lateral extension constructed under the provisions of this Section shall be the same as is provided in this Article.

(F) Each sewer connection originating from an extension shall impose liability for a monthly calendar wastewater service charge to be billed the owner, applicant, or resident.

(G) Performance bond for sewer connection shall conform with this Article.

(H) Liability insurance for sewer connection shall conform to this Article.

38-4-86 INDUSTRIAL COST RECOVERY SYSTEM.

(A) Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total amount of the grant and any grant amendment awarded, divided by the recovery period.

(B) The industrial cost recovery period shall be equal to **thirty (30) years**. The grant amount is **\$706,450**. The "grant amount" noted is an estimated amount at this time and subject to revision based on the final grant amount as determined by USEPA.

(C) Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than **one (1) year** after such user begins use of the treatment works.

(D) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be proportional to its flow, in relation to treatment works flow capacity.

(E) If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.

(F) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(G) An industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(H) An industrial user's share shall not include an interest component.

(I) The grantee shall retain **fifty percent (50%)** of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(J) A minimum of **eighty percent (80%)** of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional

Administrator prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the grantee sees fit.

(K) Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in:

- (1) Obligations of the U.S. Government; or
- (2) Obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or
- (3) Shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

(L) The Public Works Director or his or her authorized representative shall be responsible for monitoring the industrial discharge in a control manhole provided by the industry at no expense to the Village. Samples of the discharges will be collected and analyzed on a minimum frequency of once per month. The analysis shall be run according to Standard Methods. The numerical average of BOD and SS (whichever is higher) will be calculated from recorded flows based on actual flow measurement or water use records.

(M) The Office Manager shall be responsible for returning **fifty percent (50%)** of the industrial cost recovery charge and any interest earned thereon to the U.S. Treasury through the Regional Administrator on an annual basis following the annual audit. All records of audit shall be retained by the Office Manager for the cost recovery period.

(N) The annual cost recovery charge shall be computed according to the following formula:

- CI = $THL (.5AGA) + TOL (.5AGA)$
- CI = Annual industrial recovery charge
- THL = The ratio (expressed as a decimal fraction) of the hydraulic loading contributed by the industry to the total hydraulic design average capacity.
- TOL = The ratio (expressed as a decimal fraction) of the organic loading contributed by the industry to the organic design average capacity (expressed as BOD5 or SS, whichever is greater) of the wastewater treatment plant.
- AGA = Annual grant recovery amount, or amount of grant divided by the recovery period (30 years).

(O) The industry will be required to pay the wastewater service charge and any surcharges to the Village according to this Section.

38-4-87 - 38-4-90

RESERVED.

DIVISION IX - PENALTIES

38-4-91 **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-4-65** 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 Chapter. **(Sec. 53.129)**

38-4-92 **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-4-50** 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.

38-4-93 **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.