

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be an executive department of the City known as the **Waterworks and Sewage Department**. Each department shall keep separate financial records and accounts. It shall include the Water and Sewer Superintendent, the Water and Sewer Committee, and employees of the Department. The designated office shall be the City Hall.

38-1-2 **WATER AND SEWER COMMITTEE.** The City Council standing committee on Water and Sewer shall exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and City Council 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 **SUPERINTENDENT OF WATER AND SEWER.** The Superintendent shall be subject to the supervision of the Water and Sewer Committee. The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council and shall hold office until his successor is appointed and qualified. He shall receive such salary as may be provided by the annual budget of the City Council at the time of his appointment.

38-1-4 **DUTIES OF THE SUPERINTENDENT.** The Superintendent shall exercise general management and control over his respective department.

(A) He shall supervise over and be responsible for the conduct and performance of all employees of the department as a Department Head in accordance with the Personnel Code.

(B) He shall be responsible for the operation and maintenance of the City's water system and sewerage system as provided in this Code.

(C) He shall be the custodian of all vehicles, equipment, structures, and property provided by the City for the use of his department.

(D) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(E) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the City Council.

ARTICLE II - RATES AND REGULATIONS

DIVISION I – GENERAL PROVISIONS

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 utility services from the Water and Sewer Systems and every person, company or corporation, hereinafter called a “**customer**” who accepts and uses utility services shall be held to have consented to be bound thereby. Any customer applying for water or sewer service shall be provided with a copy of this Chapter and shall sign a receipt for same at or before the time service is provided to such customer.

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

(C) **Using Services Without Paying.** Any person using utility services from the City without paying therefor or who shall be found guilty of breaking the seal of any meter or appurtenances or bypassing any meter shall be guilty of violating this Code and upon conviction, shall be fined a sum as provided in **Section 1-1-19** 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 utility systems, or erecting signs on the property of the utility systems without permission shall, upon conviction of such act, be fined as provided in **Section 1-1-19 entitled “Penalties”** of the Revised Code.

(E) **Service Obtained By Fraud.** All contracts for utility 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 names of other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Departments be unable to bill a customer for services used during any month, the next billing shall include the charges for services used during the unbilled month. A month shall be considered as that 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 City **ten (10) days** prior to the first day of the new billing month in which the utility services are to be discontinued.

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

- (1) All bills for utility services shall be due and payable upon presentation. If any bill remains unpaid after the **fifteenth (15th) day** of the month in which it was issued, a penalty equal to **ten percent (10%)** of the amount unpaid by the **fifteenth (15th)** of the month shall be added thereto. This penalty shall be in addition to the charges established for the utility services and from time to time in effect.
- (2) If any customer's utility bill or late payment penalty remains unpaid after **10:30 a.m.** the **twentieth (20th) day** of the month in which it was issued, an additional penalty fee in the amount of **Twenty-Five Dollars (\$25.00)** shall be added and a letter shall be sent to the customer advising them of such fee and the continuing delinquency. If in the following month, the then current utility bill is not paid by the **fifteenth (15th)** of the month, a second **ten percent (10%)** penalty shall be added based upon the amount of all then unpaid bills and penalties. Thereafter, if any utility bill or late payment penalty remains unpaid after **10:30 a.m.** on the **twentieth (20th)** day of the following billing cycle, the service shall be disconnected on that day (the 20th day) after **10:30 a.m.** If the **twentieth (20th) day** falls on a Friday, Saturday, Sunday or holiday, the disconnection process shall commence at **7:00 a.m.** on the next business day. The Water Department, with prior approval of the City Council, may make exceptions for the application of this paragraph to governmental entities or not-for-profit corporations whose monthly bills are not normally approved for payment by the governing board of such entity or corporation on a cycle which allows for timely compliance with the billing and payment schedule herein specified.
- (3) When service to any meter is disconnected, the City shall apply any deposit paid by the user to the unpaid bill and any penalty previously imposed.
- (4) Prior to any disconnected service being reconnected, the user shall be required to pay all unpaid bill and penalty amounts plus the charge for any water provided since the prior billing. Also prior to reconnection of service, the delinquent user shall be required to replenish any portion or all of any deposit applied to the delinquent bill by the City and pay an additional **Fifty Dollar (\$50.00)** reconnection fee for each such reconnection plus any expenses incurred in the reconnecting of the utility services. Such payments shall be made at City Hall during office hours and no City employee or representative shall be authorized to accept payment at the time of disconnection.

(Ord. No. 10-11; 10-20-10)

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the Billing Clerk shall file a statement of lien claim with the County Recorder of Deeds. This statement shall contain the legal

description of the premises served, the amount of the unpaid bill, and a notice that the Municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Billing Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Billing Clerk whenever such bill remains unpaid for a period of **sixty (60) days** after it has been rendered.

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

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges, after deducting costs as is the case in the foreclosure of statutory liens. Such foreclosure shall be billed in the name of the City. The City Attorney is hereby authorized to institute such proceedings in the name of the City, in any Court having jurisdiction over such matters, against any property for which the bill for utility services has remained unpaid **sixty (60) days** after it has been rendered. **(Ord. No. 03-04-04; 06-10-03)**

38-2-2 CONSUMER LISTS. It is hereby made the duty of the Superintendent to prepare or cause to be prepared an accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and/or 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 first regular monthly meeting. **(Ord. No. 03-04-04; 06-10-03)**

38-2-3 LIABILITY FOR CHARGES. The **owner** of any lot, parcel of land or premises receiving utility services, the **occupant** of such premises and the **user** of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the City only on the condition that such owner, occupant **and** user shall be jointly and severally liable to the City therefor as well as for reasonable attorney fees incurred by the City in collecting any delinquent water or sewer charges. **(Ord. No. 03-04-04; 06-10-03)**

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 usage charge of the **previous three (3) months**. If no record of the previous **three (3) months** exists, then it shall be the duty of the Collector to estimate the amount of utilities consumed

during the time the meter fails to operate, and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather. **(Ord. No. 03-04-04; 06-10-03)**

38-2-5 **NO FREE SERVICE.** No free service shall be furnished to any person and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. **(Ord. No. 03-04-04; 06-10-03)**

38-2-6 **RESALE PROHIBITED.** No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency. **(Ord. No. 03-04-04; 06-10-03)**

38-2-7 **DISCONTINUANCE OF WATER SERVICE---CUSTOMER.** The customer shall notify the City of any change in occupancy. No adjustment of bills will be made by the City as between the owners or tenants unless **ten (10) days** notice prior to the change of occupancy has been given to the City. No rebate will be given for unoccupied premises unless notice of non-occupancy is given.

Any customer may discontinue water service by giving the City notice not less than **ten (10) days** prior to the discontinuance, and all liability for charges for service rendered after the discontinuance of service as herein provided for shall cease. **(Ord. No. 03-04-04; 06-10-03)**

38-2-8 **UTILITY DEPOSITS.**

(A) **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, the applicant for whom such service is requested shall pay a deposit in the amount of **Seventy-Five Dollars (\$75.00)** with the application for each account or meter unless the applicant is the record title holder of the property to be served and the applicant is not seeking service following a disconnection of service for non-payment of a bill or bills or for untimely payment.

(B) **Commercial.** When any application is made for utility services by a commercial or industrial user in accordance with the provisions of paragraph (A) and of this Chapter, the applicant shall pay a deposit with the application in the amount of **Seventy-Five Dollars (\$75.00)** for water and sewer service.

Where the amount of the deposit provided for above is not sufficient to adequately protect the Water and Sewer Departments a greater amount than stated above may be required, based upon the consumer's estimated bill for a customary billing period.

(C) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utilities used by the applicant upon the premises to which his application pertains and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall be refunded with no interest if the service is being terminated and all bills have been paid when due. **(Ord. No. 03-04-04; 06-10-03)**

38-2-9 **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water and sewer utilities shall be adopted and the same shall become a part of the contract with every consumer and every consumer shall be considered to consume utilities from the City, subject thereto and bound thereby. **(Ord. No. 03-04-04; 06-10-03)**

ARTICLE III – WATER SYSTEM

DIVISION I – GENERAL REGULATIONS

38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Section 38-4-11 for fees.)**

38-3-2 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.

Should concrete or any other permanent materials be constructed or placed around the meter tile, it shall be the responsibility of the owner and/or user to remove said obstruction if it is not possible to repair or replace the water meter. If a user backfills his yard, it will be his responsibility to raise the water service so as to be accessible to repair.

38-3-3 INSPECTION.

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

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

38-3-4 **METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-5 **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

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

38-3-7 **DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-8 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

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

38-3-9 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.

Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water and Sewer Department on a form provided by the Water and Sewer Department for that purpose.

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

38-3-10 FIRE HYDRANTS.

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

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

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

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

38-3-12 SHORTAGE AND PURITY OF SUPPLY. The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-13 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-14 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

38-3-15 USE OF WATER ON CONSUMER'S PREMISES. The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

38-3-16 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-17 INSTALLING AND MAINTAINING SERVICE LINES. 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 inch (3/4")** in diameter, and must be installed at a minimum depth of **four (4) 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 Superintendent.

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. **(See Section 38-4-11 for fee.)**

38-3-18 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY. The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-19 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY. The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

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

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any City street im-

provements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

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

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-20 APPROVED BACKFLOW DEVICE. All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-21 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-22 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by

the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-23 **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-24 **NOTICE TO CUSTOMER; RECONNECT FEE.**

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the City Clerk.

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

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

38-3-25 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. **(Ord. No. 9-1988-89; 12-05-88)**

38-3-26 - 38-3-30 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-31 **PURPOSE.** The purpose of these Rules and Regulations is:

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

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

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

38-3-32 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-33 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-34 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these regulations:

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

"Agency" means Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least **fifteen (15)** service connections or which regularly serve at least **twenty-five (25) persons** at least **sixty (60) days** per year. A public water supply is either a "community water supply" or a "non-community water supply".

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

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

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

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

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

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

38-3-35 WATER SYSTEM.

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

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

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

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

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

38-3-36 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

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

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

38-3-37 SURVEY AND INVESTIGATIONS.

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

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

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

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

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

3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. servicing performed and date completed.

38-3-38 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

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

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

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow

prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

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

38-3-39 TYPE OF PROTECTION REQUIRED.

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

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

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

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure

principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
 - (2) water is pumped into the system from another source; or
 - (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
 - (4) there is a connection whereby another source can be introduced into the fire safety system.
- (D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-40 BACKFLOW PREVENTION DEVICES.

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

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

38-3-41 INSPECTION AND MAINTENANCE.

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

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

- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.
- (B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
- (C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (D) A maintenance log shall be maintained and include:
 - (1) date of each test or visual inspection;
 - (2) name and approval number of person performing the test or visual inspection;
 - (3) test results;
 - (4) repairs or servicing required;
 - (5) repairs and date completed; and
 - (6) servicing performed and date completed.
- (E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.
- (F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water.

38-3-42 BOOSTER PUMPS.

- (A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
- (B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operable.

38-3-43 VIOLATIONS AND PENALTIES.

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

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

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

(D) Neither the City, the Superintendent, or its assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination. **(Ord. No. 9-1988-89; 12-05-88)**

38-3-44 - 38-3-45 RESERVED.

DIVISION IV - EXTENSION OF MAINS

38-3-46 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.

The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible. **(1983 Code; Sec. 22.105)**

38-3-47 EASEMENTS. Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-48 SIZE AND TYPE. The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits

of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

38-3-49 **TITLE.** Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-50 **MAINTENANCE AND REPLACEMENT.** The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

ARTICLE IV - UTILITY RATES

DIVISION I - GENERAL

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

38-4-2 **REVENUES.** All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the City 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 City Council.

The Billing Clerk shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the City". The Billing Clerk shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II)**

38-4-3 **METERS TESTED BY REQUEST; DEPOSIT REQUIRED.** A customer may request a meter to be tested for accuracy, which test will be made in the meter shop of the City in accordance with the standard regulations for meter testing as prescribed by the **Illinois Commerce Commission. Each** request for the test of a meter for accuracy shall be accompanied by a deposit of **Twenty Dollars (\$20.00)**.

It the meter so tested shall be found to be accurate within the limits prescribed by the **Illinois Commerce Commission**, the deposit shall be retained by the Water and Sewer Department as compensation for such test. If the error in registration is found to be more than that permitted by the Commission, then the cost of the test shall be borne by the Department and the amount of the deposit shall be returned to the customer. The customer's bill shall be adjusted for the previous **thirty (30) days** in accordance with the result of the tests if an error is established.

The quantity of water recorded by the meter shall be accepted as correct by both the customer and the Water Department except when the meter has been found to be registering inaccurately or has ceased to register. In either case, the meter will be promptly repaired by the Water Department and the quantity of water used will be determined by the registration of the meter in the same period for the preceding year.

38-4-4 DISPUTES BETWEEN CITY AND CUSTOMER. The City reserves the right to have its City Council decide all questions or disputes which may arise between the City and any customer and to have the City Council interpret the meaning of all of the provisions of this Chapter. The decision of the City Council shall be final and binding upon the City and customer, and the provisions of the section shall become a part of every contract for utilities between the City and all customers. **(Ord. No. 214; S.1.4)**

38-4-5 SPECIAL RATES. The City reserves the right to make special charges for water and sewage service supplied to properties not covered by the above rates, or which, in the judgment of the City, should be charged special rates.

38-4-6 - 38-4-10 RESERVED.

DIVISION II - WATER CHARGES

38-4-11 WATER CONNECTION FEES. A "tap-on" fee shall be charged for each new connection required to the system which fee shall be the actual cost of installing the meter and appurtenances which are:

<u>ITEM</u>	<u>CURRENT PRICES</u>
Pit 36" x 18"	\$35.00
Ring/Lid	29.00
Meter Ell ¾" & Meter Stop e/r"	50.00
Corporation ¾"	16.00
Tap Saddle (6" PVC)	25.00
Line (Plastic, copper PVC)	46.00 – 1.51/ft average 30'
Meter	<u>45.00</u>
	\$246.00

All materials required in addition to the above shall be the responsibility of the applicant/user.

All costs for excavations and labor for the "tap-in" shall be paid by the applicant prior to the water service being turned on.

*In addition a meter deposit shall be required as provided in **Section 38-2-8** of this Chapter. **(Ord. No. 94-08; 12-12-94)**

38-4-12 WATER RATES. There shall be established the following rates and charges for the use of the water system of the City, based upon the amount of water consumed as follows:

(A) **Inside Corporate Limits.**

First 2,000 gallons per month \$11.06 MINIMUM CHARGE
Then each additional 1,000 gallons per month \$3.36 per 1,000 gallons

(B) **Outside Corporate Limits.**

First 2,000 gallons per month \$19.17 MINIMUM CHARGE
Then each additional 1,000 gallons per month \$4.87 per 1,000 gallons

(C) **Minimum Rate Applicable.** The minimum rate will be paid by those customers not using the service even though they may not be connected to the system, provided the service is available from the City of Mt. Sterling.

(D) **Irrigation Water Rate.** There shall be available an irrigation water rate for water used by a customer which is a non-profit organization solely for the purpose of irrigation. Such rate shall be calculated as follows:

- (1) Inside the corporate limits the rate charged shall be equal to the cost per **one thousand (1,000) gallons** to the City to purchase water; and
- (2) Outside the corporate limits the rate charged shall be equal to the cost per **one thousand (1,000) gallons** to the City to purchase water plus **Fifty Cents (\$0.50)** per **one thousand (1,000) gallons.**

(Ord. No. 12-01; 01-17-12)

38-4-13 VILLAGE OF RIPLEY. The City of Mt. Sterling has entered into an agreement in Ord. No. 97-98-07 to sell water to the Village of Ripley, Illinois pursuant to the contractual terms contained in Appendix "A" of this Chapter. **(Ord. No. 97-98-07; 08-11-97)**

DIVISION III

WASTEWATER SERVICE CHARGES

38-4-51 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges, monthly minimum user charge 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. Through further divisions, the monthly debt service charges can be computed.

(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 **220 mg/l.**

(C) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- (1) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.
- (3) Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.
- (4) Compute costs per 1000 gal. for normal sewage strength.
- (5) 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 220 mg/l.** The surcharge will be based on water usage as recorded by water meters for all wastes which exceed the **200 mg/l and 220 mg/l** concentration for BOD and SS respectively. **Section 38-4-56** specifies the procedure to compute a surcharge.

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

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

34-4-52 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 hundred (100) gallons.**

This paragraph also describes the procedure to be used in calculating the monthly user charges, where there is an excessive use of water due to a break in the service main, where there is a malfunction or stoppage of the meter, where there is no reading of water meters during the winter season, and where there is a consumptive use of water by the user.

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

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

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

(D) The monthly user charge for residential, industrial and commercial contributors, that have a water service main break that causes excessive flow, which is not returned to the wastewater collection system, will be based upon an average of water used during the past **three (3) months** as determined from water meter readings by the City.

(E) The monthly user charge for all residential, industrial and commercial contributors, that have a malfunctioning or broken meter, will be based upon an average of water used during the past **three (3) months** as determined from water meter readings by the City.

(F) The monthly user charge for all residential, industrial and commercial contributors, whose meters are not read monthly during the winter season, will be based upon the amount of water used during the previous month, and that amount will be used until the meter is read again, when an adjustment will be made in the charges based on the actual current readings.

(G) If a residential, commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system,

the user charge for that contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the City.

38-4-53 BASIC USER RATES AND MINIMUM USER CHARGE. There shall be and there is hereby established a basic user rate for the use of and for service supplied by the Wastewater Facilities of the City.

A basic user rate of **\$1.59 per 1,000 gallons** shall be applied to all users inside the corporate limits, plus a minimum user charge of **\$2.98**.

A basic user rate of **\$3.32 per 1,000 gallons** shall be applied to all users outside the corporate limits, plus a minimum user charge of **\$6.23. (Ord. No. 09-06; 07-31-09)**

38-4-54 DEBT SERVICE CHARGE. The debt service charge of **\$8.40** per month shall be vacated and there shall no longer be a debt service charge for all users of the Wastewater Facilities of the City. **(Ord. No. 07-01-01; 01-16-07)**

38-4-55 COMPUTATION OF WASTEWATER SERVICE CHARGE. The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + Cu (Vu) + CS$$

- Where CW = Amount of waste service charge (\$) per billing period.
- CD = Debt Service Charge (Section 38-4-53).
- CM = Minimum Charge for Operation, Maintenance and Replacement **(Section 38-4-52).**
- Vu = Wastewater Volume for the billing period.
- CU = Basic User Rate for Operation, Maintenance and Replacement **(Section 38-4-52)**
- CS = Amount of Surcharge (Section 38-4-56).

38-4-56 SURCHARGE RATE. The rates of surcharges for BOD and SS shall be as follows:

- per lb. of BOD₅: \$0.12 in excess of 200 mg/l
- per lb. of SS: \$0.10 in excess of 220 mg/l

38-4-57 COMPUTATION OF SURCHARGE. The construction of wastes for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be

deemed necessary by the Approving Authority and shall be binding as a basis for surcharges. The wastewater surcharge shall be computed by the following formula:

$$CS = V (0.000834 [A(BOD_5 - 200) + B(SS - 220)])$$

- Where CS = Amount of surcharge in dollars
- V = Wastewater volume in hundred gallons
- BOD₅ = 5-day Biochemical Oxygen Demand, mg/l
- A = unit charge for BOD₅ per lb.
- 200 = allowable BOD₅ strength
- B = unit charge for S.S. per lb.
- S.S. = Suspended Solids, mg/l
- 220 = allowable S.S., mg/l

38-4-58 **REVENUES.** All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account. All such revenues and moneys shall be held and separate and apart from all other funds of the City.

38-4-59 **ACCOUNTS.**
(A) That portion of the total user charge collected which is designated for operation and maintenance and replacement purposes as established in this Article, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

- (1) An account designated for the specific purpose of defraying operation and maintenance costs of the treatment works (Operation and Maintenance Account).
- (2) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made from the operation, maintenance and replacement revenue in amounts sufficient for ensuring replacement needs over the life of the treatment works.

(B) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the

subsequent fiscal year, and shall be used for no other purposes than those designated for these

account. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(C) The City 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 sewerage system, and at regular annual intervals it shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

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

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (2) Billing date to show total number of gallons billed per fiscal year.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the system.
- (5) Number of non-metered users.
- (6) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

38-4-60 NOTICE OF RATES. A copy of this Ordinance properly certified by the City Clerk shall be filed in the office of the Recorder of Deeds of Brown County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of the City on their properties.

Each user will be notified at least annually by the City in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-4-61 PENALTY. Any person found to be violating any provision of this Code except **Article VI** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the periods of time stated in

such notice, permanently cease all violations. The City may revoke any permit for sewage disposal as a result of any violation of any provision of this Code.

Any person, firm, or corporation who shall continue any violation beyond the time limit provided for in the paragraph above, upon conviction thereof shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense. Each day that any violation hereof continues shall be deemed a separate offense.

38-4-62 **ACCESS TO RECORDS.** The I.E.P.A. or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant, and/or Federal Grant.

38-4-63 **EFFECTIVE DATE OF RATES.** The rates and service charges established for user charges in this Code shall become effective as of **November 11, 1991** to be billed **December 1, 1991** and thereafter.

38-4-64 **MULTIPLE DWELLING UNITS.** The owner of any trailer court, apartment building, or similar multiple dwelling unit, shall be responsible for all Wastewater Service Charges. One minimum user charge and one debt service charge shall be made monthly for the sewer service to the multiple dwelling unit. The user rate shall be computed as for other users, based on water usage.

38-4-65 **APPEALS.** The method for computation of rates and service charges established for user charges in this Article, shall be made available to user within **ten (10) days** of receipt of a written request for such. Any disagreement over the method used or in computations thereof shall be remedied by City within **thirty (30) days** after notification of a formal written appeal outlining the discrepancies.

38-4-66 **COSTS 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 City 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.

ARTICLE V - SEWER SYSTEM

DIVISION I - DEFINITIONS

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

"GOVERNMENT, FEDERAL".

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

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

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

"GOVERNMENT, LOCAL".

(A) **"Approving Authority"** means the City Council.

(B) **"Superintendent"** shall mean the Superintendent of wastewater facilities of the City of Mt. Sterling, Illinois or his authorized deputy, agent, or representative.

(C) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(D) **"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.

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

"GOVERNMENT, STATE".

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

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

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

"SEWER TYPES AND APPURTENANCES".

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from

soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

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

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

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

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

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

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

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

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

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

"TREATMENT":

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

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

"TYPES OF CHARGES":

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system for operation, maintenance and replacement.

(B) **"Capital Cost Charge"** shall mean the assessment levied on all users of the public sewer system for depreciation and debt service.

(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 and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

(D) **"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.

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

(F) **"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.

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

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

(I) **"Wastewater Service Charge"** shall be the charge per quarter or month levied on all users of the Wastewater Facilities.

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

"USER TYPES":

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

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

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

(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 such as offices, stores, eating, drinking, laundry, cleaning, and recreation.

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

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

"WATERCOURSE AND CONNECTIONS":

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

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

"WASTEWATER AND ITS CHARACTERISTICS":

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

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

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

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

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

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

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

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

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard 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 0.21 pounds of suspended solids.

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

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one half (1/2) inch (1.27 centimeters)** in any dimension.

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

(M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes** more than **five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

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

(O) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the "Standard Methods".

(P) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(Q) **"Wastewater"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

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

38-5-2 - 38-5-3 RESERVED.

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-4 **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 City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

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

38-5-6 **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 sewage.

38-5-7 **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 City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **one hundred (100) feet** of the nearest property line.

DIVISION III

PRIVATE SEWAGE DISPOSAL

38-5-8 **PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-5-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

38-5-9 **PRIVATE SEWER SYSTEM APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the City. A permit and inspection fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the City at the time the application is filed. The fee is not refundable.

38-5-10 **PRIVATE SEWAGE SYSTEM PERMIT.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. 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 City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **twenty-four (24) hours** of the receipt of written notice by the City.

38-5-11 **PRIVATE SEWAGE SYSTEM DESIGN CRITERIA.** 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 **ten thousand (10,000) square feet.** No septic tank or cesspool shall be permitted to discharge to any natural outlet unless approved by the State Department of Public Health and the Approving Authority.

38-5-12 **UTILIZATION OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-7**, the building sewer shall be connected to the sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and waste material which shall be disposed of in a lawful sanitary and proper manner, and the private disposal system shall be filled with clean bank-run gravel or dirt.

38-5-13 **O & M OF PRIVATE SEWAGE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

38-5-14 **ADDITIONAL REQUIREMENTS OF PRIVATE SEWAGE SYSTEM.** No statement contained in this Article shall be construed to interfere with

any additional requirements that may be imposed by the Brown County Health Department.

DIVISION IV

BUILDING SEWERS AND CONNECTIONS

38-5-15 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 Approving Authority.

38-5-16 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.

38-5-17 CLASSES OF PERMITS.

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

- (1) Residential and commercial service.
- (2) Service to establishments producing industrial wastes.

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

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Approving Authority.

38-5-18 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 City 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.

38-5-19 SEPARATE SEWER: 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.

38-5-20 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to be of similar material and construction to that required of new sewers.

38-5-21 CONSTRUCTION METHODS. 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 City. 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.

38-5-22 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 an approved means and discharged to the building sewer.

38-5-23 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.

38-5-24 BUILDING AND PLUMBING CODE APPLICABLE. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, 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 City before installation.

38-5-25 CAPACITY OF SEWER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater

treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-26 **INSPECTION.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority or his representative after the roof structure is constructed.

38-5-27 **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 City.

DIVISION V

SEWER FEES

38-5-28 **SEWER CONNECTION FEES.**

(A) The basic fee for connection to the municipal system to serve a single family dwelling shall be **Fifty Dollars (\$50.00)** per connection.

(B) The fee for connection serving **two (2)** or more family dwellings or mobile home parks shall be at the above rates for the first unit and at the rate of **one-half (1/2)** the above rates for all additional units.

(C) Sewer connection permits shall be valid only for **sixty (60) days** after issuance.

38-5-29 **EXTENSION OF MUNICIPAL SEWER SYSTEM.**

(A) No extension will be permitted if in the opinion of the City Council, the system does not have the necessary capacity to serve the proposed extension.

(B) The City Council shall determine if an extension of a sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will be served by the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the Board elects not to pay the cost of extending the sewer main then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the Board. The City shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the

extension economically feasible. Any extension, other than a service connection to a single premises shall become the property of the City upon its completion.

(C) All extension of the municipal sewer system shall be made only at the locations and in accordance with the specifications established by the Approving Authority. All plans for such extension shall be prepared by a Registered Professional Engineer and shall be approved by the Approving Authority and the Illinois Environmental Protection Agency. Inspection of the construction of such extension shall be provided by the City but the cost of such inspection shall be deposited with the City before construction is commenced by the person desiring to have such system extended. A deposit of the estimated cost of any work to be performed by the City in connection with such sewer extension shall be made by the person desiring such extension before such work is commenced. Adequate insurance, as determined by the Approving Authority shall be provided during construction protecting the City. A surety bond in the sum equal to the estimated cost of construction of the extension to secure the City the actual construction of such extension in accordance with the applicable ordinance of the City and of the plans and specifications therefor, and to hold the City harmless of any claims whatsoever arising out of the construction of such extension shall be delivered to the Approving Authority before construction of such extension is commenced.

(D) Easements acceptable to the Approving Authority for construction and maintaining requested extensions shall be provided and recorded at no expense to the City before any extension of such system shall be made. Such easements and all rights incident thereto shall become the property of the City. It is hereby declared to be the policy of the City to extend the utmost cooperation permitted by law in the obtaining of such easements. No reimbursement shall be made by the City for costs of interest, bonds, easements, permits, licenses, insurance or administrative overhead of the person extending the municipal sewer system. The Approving Authority shall have the authority to waive such of the requirements of this Section as it shall deem in the best interest of the City for lateral sewer extensions serving an area with a potential of less than **fifteen (15)** service connections.

38-5-30 SEWAGE LIFT STATIONS.

(A) Cost of construction and operation of permanent lift stations shall be borne by the person or persons desiring such lift stations and none shall be constructed except as permitted by the Approving Authority.

(B) Permanent lift stations and pressure lines serving more than **two (2)** separately owned properties shall be built only on easements to the City and shall be maintained and operated by the City. Charges for the maintenance and operation of such lift stations shall be apportioned and billed as an additional use charge among the users thereof as the Approving Authority shall determine.

38-5-31 SEWER TAPS AND TAPPING FEES.

(A) The connection of the building sewer to the sewer main shall be made at the "Y" or "T" branch designated for that property, if such branch is available at a suitable location. In the event a "Y" or "T" branch is not available for connection, the owner may tap such sewer main and install a saddle with gasket, at such location as the Superintendent shall specify, to be firmly affixed to the sewer main by a heavy cast iron clamp or the use of stainless steel strap and hardware, after first having cut a clean hole in the sewer main no longer than the interior diameter of such building sewer. In no event shall any portion of the building sewer or any appliance to tap the same into the public sewer extend beyond the interior wall of the public sewer.

(B) The saddle shall have a spigot or bell inlet suitable for acceptance of the size and type of building sewer pipe to be connected. If necessary, an acceptable flexible coupling is to be used with the saddle for a water-tight connection.

(C) All taps into the sewers of the City shall be made only by authorized sewer personnel upon direction of the Approving Authority, except other qualified persons may make taps to the sewer upon receiving written permission from the Approving Authority and installed under the direction of personnel appointed by the City. Such permission for others to tap into the sewer system will be issued for each separate connection and shall be valid for one connection only.

(D) The Approving Authority shall make the following service charges for making taps (connections) into sewer system regardless of the size of the opening or the tap:

To tap:	Minimum	\$25.00
	8" mains	30.00
	10" mains	37.00
	12" mains	45.00
	15" mains	55.00
	18" mains	65.00

(E) Such service charges shall be in addition to permit fees, and the connection and use charges, otherwise provided for by ordinance.

DIVISION VI

USE OF PUBLIC WASTEWATER FACILITIES

38-5-32 **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-33 **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

38-5-34 **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, 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 having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

38-5-35 **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 City that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his

opinion as to the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

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

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

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

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

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

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

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

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

(I) Materials which exert or cause:

- (1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

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

38-5-36 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-31** 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 Approving Authority 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 City 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 38-5-38.**

(B) If the Approving Authority 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 City, 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 Approving Authority.

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

38-5-37 GREASE AND OIL INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

38-5-39 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Approving Authority, 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 Approving Authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-40 INDUSTRIAL WASTE TESTING.

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

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

38-5-41 **MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-5-42 **SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

DIVISION VII

INSPECTIONS

38-5-43 **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-5-44 **INSPECTION AND TESTING.**
(A) The Approving Authority and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper

credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

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

38-5-45 **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-5-40** above, the City or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-35**.

38-5-46 **PRIVATE PROPERTY INSPECTIONS.** The Approving Authority and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

DIVISION VIII - USE OF GROUNDWATER AS A POTABLE WATER SUPPLY

38-5-47 **USE OF GROUNDWATER AS POTABLE WATER SUPPLY IS PROHIBITED.** Except for such uses or methods in existence before the effective date of this Division, the use or attempt to use a potable water supply groundwater from all depths within the hatched marked area, as shown on Figure 1 available at the City Hall, (hereinafter referred to as the "Groundwater Limitation Area"), by the installation or drilling of wells or by any other method is hereby prohibited. This limitation applies to the City or any other person's construction or attempt to construct a well.

38-5-48 **PENALTIES.** Any person violating the provision of this Division shall be subject to a fine of up to **Five Hundred Dollars (\$500.00)** for each violation.

38-5-49 **DEFINITIONS.**

(A) "Persons" in any individual, partnership, co-partnership firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

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

(Ord. No. 10-07; 04-19-10)

APPENDIX NO. 1

USER CHARGE SYSTEM

This appendix presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculation followed in arriving at the first year's user charges and surcharges. The unit costs established in this appendix are based on estimates of expenses and loadings. The actual expenses and loadings that occur may differ from these estimates and certainly they will change as time passes. Therefore, the unit costs must be reestablished whenever necessary to reflect actual expenses and loadings. Once the system is in use, the expenses and loadings can be determined from operating records and the unit costs can be adjusted based on these figures.

(A) **Engineering Data.** The following data has been utilized in the determination of the user charge for the Mt. Sterling Wastewater Facilities. This data was gathered from billing records of the City of Mt. Sterling and the **Facilities Plan for Wastewater Facilities**, as prepared by Klinger & Associates, P.C.

Number of Sewer Users:	1075
Billable Flow in System:	111.417 MG per year
BOD Load on Facilities: (4800 persons x 0.17 lb/per/day x 365)	297,840 lb. BOD per year
SS Load on Facilities: (4800 persons x 0.20 lb/per/day x 365 days)	350,440 lb. SS per year

All users of the Mt. Sterling Wastewater Facilities are treated as one class. This methodology, as calculated below, results in a proportionate distribution of operation, maintenance, and replacement costs among all user. **(Ord. No. 9-1987-1988; 03-07-88)**

(B) **Annual Operating Costs.** The annual operating costs for the wastewater facilities is summarized in Table 1. This data will change from year to year and should be adjusted. There are two categories of expenses: Fixed Costs, and Operation, Maintenance, and Replacement Costs. Fixed Costs are those which are not dependent on the volume of wastewater conveyed and treated. Operation, Maintenance, and Replacement Costs are proportional to the volume of wastewater.

38-5-71 PENALTY. Any person found to be violating any provision of this Code except **Section 38-5-65** shall be served by the City with written notice stating

the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

38-5-72 **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** 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.

38-5-73 **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

APPENDIX "A"

**WATER PURCHASE CONTRACT BETWEEN THE
CITY OF MT. STERLING, ILLINOIS AND THE
VILLAGE OF RIPLEY, ILLINOIS**

This contract for the sale and purchase of water is entered into as of **4th day of August, 1997**, between the City of Mt. Sterling, City Hall, 145 W. Main St., Mt. Sterling, Illinois, hereinafter referred to as the "Seller" and the Village of Ripley, Ripley, Illinois hereinafter referred to as the "Purchaser".

WITNESSETH:

Whereas, the Purchaser is organized and established under the provisions of **Chapter 65** of the **Illinois Compiled Statutes**, and Whereas Purchaser has no independent source of treated water and will require a supply of treated water, and

Whereas, the Seller owns and operates a water supply distribution system with a capacity currently capable of serving the present customers of the Seller's system and the estimated number of water users to be served by the said Purchaser as shown in the plans of the system now on file in the office of the Purchaser, and

Whereas, by **Ordinance No. 97-98-07** enacted on the **11th day of August, 1997**, by the Seller, the sale of water to the Purchaser in accordance with the provisions of this said contract was approved, and the execution of this contract carrying out the said ordinance by the Mayor, Jason Hendricker of the City of Mt. Sterling, Illinois, and attested by the City Clerk, was duly authorized and

Whereas, by Ordinance of the Village of Ripley, by the Purchaser, enacted on the **8th day of September, 1997**, the purchase of water from the Seller in accordance with the terms set forth in this said contract was approved, and the execution of the contract by the Mayor, C. Robert Livingston, for the Village of Ripley, and attested by the Village Clerk was duly authorized:

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth,

A. The Seller Agrees:

1. To furnish the Purchaser at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water in such quantity as may be required by the Purchaser not to exceed **seven**

hundred fifty thousand (750,000) gallons per month at a rate not to exceed **twenty-five (25) gallons** per minute.

2. That water will be furnished at a reasonably constant pressure equal to the Seller's customers in the area from a 6 inch main supply at a point located at a distance **two thousand (2,000) feet** east of the boundary of the City of Mt. Sterling, Illinois. If a greater pressure than that normally available at the point of delivery is required by the Purchaser the cost of providing such greater pressure shall be borne by the Purchaser. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire, and use of water to fight fire, earthquake, or other catastrophe shall excuse the Seller from this provision for such reasonable period of time as may be necessary to restore service.
3. To operate and maintain at its own expense a **one (1) inch** tap and service with a **three-fourths (3/4) inch** meter at point of delivery, the necessary metering equipment, including a meter pit, and required devices of standard type for properly measuring the quantity of water delivered to the Purchaser and to calibrate such metering equipment whenever requested by the Purchaser but not more frequently than once every **twelve (12) months**. A meter registering not more than **two percent (2%)** above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the **six (6) months** previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless Seller and Purchaser shall agree upon a different amount. The metering equipment shall be read monthly. An appropriate official of the Purchaser at all reasonable times shall have access to the meter for the purpose of verifying its readings.
4. To furnish the Purchaser at the above address not later than the **first (1st) day** of each month, with an itemized statement of the amount of water furnished the Purchaser during the preceding month.

B. The Purchaser Agrees:

1. To pay the Seller, not later than the **tenth (10th) day** of each month, for water delivered in accordance with the following schedule of rates:

First 2,000 gallons	\$7.86
Next 3,000 gallons	\$3.19

Utilities 38-4-11

Next 495,000 gallons	\$2.92
Over 500,000 gallons	\$2.69

2. To furnish and install, at its own expense, all meters and metering equipment after point of delivery.

C. It is Further Mutually Agreed Between the Seller and the Purchaser as Follows:

1. That this contract shall extend for a term of **five (5) years** from the date of the initial delivery of any water as shown by the first bill submitted by the Seller to the Purchaser and, thereafter may be renewed or extended for such term, or terms, as may be agreed upon by the Seller and Purchaser.
2. When requested by the Purchaser the Seller will make available to the contractor at the point of delivery, or other point reasonably close thereto, water sufficient for testing and flushing at a flat rate charge of **One Dollar Fifty Cents (\$1.50)/one thousand (1,000) gallons** which will be paid by the Purchaser.
3. That the Seller will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the Purchaser with quantities of water required by the Purchaser. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to the Seller is otherwise diminished over an extended period of time, the supply of water to Purchaser's consumers shall be reduced or diminished in the same ratio or proportion as the supply to Seller's consumers is reduced or diminished.
4. That the provisions of this contract pertaining to the schedule of rates to be paid by the Purchaser for water delivered are subject to modification at the next billing after any increase in rates charged to seller. Any increase in rates shall be proportional to increases in the Seller's rates.
5. That this contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in this State and the Seller and Purchaser will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.
6. That the Seller shall in no way be obligated to operate or maintain the Purchaser's system.
7. That in the event of any occurrence rendering the Purchaser incapable of performing under this contract, any successor of the Purchaser, whether

the result of legal process, assignment, or otherwise, shall succeed to the rights of the Purchaser hereunder.

8. That the Seller agrees to pay the additional cost necessary to maintain a **six (6) inch** line for the approximate distance of **two thousand (2,000) feet** beyond the present main extension on the Sellers eastern boundary.
9. That the cost of checking the meter utilized by the Seller in providing water to the purchaser shall be born by the Purchaser.
10. That the parties agree that the minimum water bill charged the Purchaser's customers shall be no less than the minimum water bill charged the Sellers customers.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in two counterparts, each of which shall constitute an original.

Seller:

By: /s/ Jason Hendricker

Title: Mayor

ATTEST:

/s/ Lois Urven
Clerk

/s/ C. Robert Livingston
Purchaser

ATTEST:

/s/ Mary M. Winner
Clerk