

CHAPTER 38

UTILITIES

ARTICLE I - DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be a department of the City known as the Water and Sewer Department. It shall be assigned to and under the jurisdiction of the Department of Streets and Public Improvements. The designated office shall be in the City Hall. (Ord. No. 1529; 06-14-11)

38-1-2 **DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.** The Commissioner of the Department of Streets and Public Improvements shall exercise a general supervision over the affairs of the Water and Sewer Department. He shall ascertain the condition and needs thereof; 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 Department. (Ord. No. 1529; 06-14-11)

38-1-3 **SUPERINTENDENT OF WATER AND SEWER.** The Superintendent of Water and Sewer shall be subject to the supervision of the Commissioner of Streets and Public Improvements. The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council and shall hold his office until his successor shall be appointed and qualified. He shall receive such salary as may be provided by resolution of the Council at the time of his appointment. (Ord. No. 1529; 06-14-11)

38-1-4 **DUTIES OF SUPERINTENDENT.** It shall be the duty of the Superintendent to manage and control all aspects of the Water and Sewer Department.

38-1-5 **SEPARATE SYSTEMS.** The waterworks and sewerage systems of the City are declared to be separate systems.

(A) **Water.** The waterworks system in its entirety, including mains, hydrants, meters, valves, standpipes, storage tanks, pump tanks, intakes, impounding reservoirs, pumps, machinery, purification plant, and all other elements useful in connection with a water supply or water distribution system shall be maintained and operated as a separate utility system. (#676; 04-08-63)

(B) **Sewer.** The sewerage system, in its entirety, including the sewerage treatment plant, collecting, intercepting, and outlet sewers, lateral sewers and drains, and all other appurtenances, extensions and improvements necessary, useful or convenient for the collection, treatment and disposal in a sanitary manner of sewerage and industrial waste shall be maintained and operated as a separate utility system. (#714; 10-11-66)

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR UTILITIES SERVICES.

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

(B) Not Liable for Interrupted Service. The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the Department 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 bypass any meter shall be guilty of violating this Code and upon conviction, shall be fined a sum as provided in Chapter 1, Article I of this Code.

(D) Removal of Meters. All meters shall remain the property of the Department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent or employee(s) herein prohibited, or upon failure to comply with any other rules and regulations of the Department, such service shall be disconnected.

(E) Destroying Property. Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction for such act, be fined as provided in Chapter 1, Article I of this Code.

(F) Service Obtained by Fraud. All contracts for water and sewer services must be made in the name of the head of the household, firm or corporation, using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered 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.

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

(H) **Request to Discontinue Services.** Services shall have been deemed to have been supplied to any property connected to the water and sewer systems during a month unless the customer notifies the City prior to the **first (1st)** day of the new billing month in which the services are to be discontinued.

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

(1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid by the **fifteenth (15th)** day of the month or within **fifteen (15) days** of the date the bill is presented, whichever is later, a penalty equal to **ten percent (10%)** of the amount due on the bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the utility services. (**#1010; 04-26-88**)

(2) Any customer who fails to pay the utility bills within **thirty (30) days** of presentation or has become more than **One Hundred Dollars (\$100.00)** past due shall have the utility services disconnected after a written notice by the City Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity to request a hearing. The notice shall specifically advise the customer of the following:

(a) Name and address of the consumer and the amount of the bill.

(b) That the consumer has a right to a hearing if he requests one in writing within **five (5) days** of the date of the mailing of the notice.

(c) That the consumer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.

(d) That if the consumer fails to request a hearing or to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.

(3) The time, date and location of the hearing shall be determined by the Commissioner of Streets and Public Improvements, the City Clerk or the designee of the Commissioner. The Commissioner of Streets and Public Improvements, the City Clerk or designee shall preside over

the hearing. The Commissioner of Streets and Public Improvements, City Clerk or designee of the Commissioner shall make a final determination as to the rights of the consumer and the City based on the information received at the hearing.

- (4) The consumer shall be notified within **two (2) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time shall be set out in the notice to terminate the service or services of the consumer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the consumer's utility services. Should the consumer fail to appear at the hearing or should the notice be returned unaccepted, then the City shall also have the right to terminate the consumer's utility services without further proceedings.
- (6) If the consumer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.
- (7) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Twenty Dollars (\$20.00)** for each disconnection and reconnection of such utility services, plus expenses incurred in the reconnection of the utility services. (#1070; 04-26-88)
- (8) For a second or subsequent disconnection for utility services in any one calendar year, the fee shall be **Twenty-Five Dollars (\$25.00)**, plus expenses incurred in the reconnecting of the utility services.

(Ord. No. 1420; 2005)

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

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, then the notice shall be mailed to the owner of the premises

if his address is known to the City Clerk whenever such bill remains unpaid for a period of **sixty (60) days** after it has been rendered.

The failure of the City 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.

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

The City Attorney is hereby authorized to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **sixty (60) days** after it has been rendered.

38-2-2 CONSUMER LISTS. It is hereby made the duty of the City Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 LIABILITY FOR CHARGES. The owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City. (See 1975 Code, Sec. 7.12g) (#1017; 01-10-84)

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

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

38-2-6 UTILITY DEPOSITS.

(A) **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, **all** applicants for which the service is requested shall deposit with the application the amount of **One Hundred Fifty Dollars (\$150.00)** prior to water service being turned on. (Ord. No. 1420; 2005)

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

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn **three percent (3%)** interest per annum, payable upon refund. If the applicant is the owner of the property, his deposit may be returned after **one (1) year** if all previous bills have been paid.

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer facilities shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant and/or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit. (Ord. No. 1015; 09-27-83)

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 Article IV for fees.) (#638; 11-23-59) (1975 Code; Sec. 7.07)

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 Superintendent. 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.

Upon the installation of the meter and appurtenances, the consumer shall be responsible for the care and protection of the same and shall be charged all costs for repair and replacement of the same resulting from his failure to properly protect or care for such meter and equipment. (#980; 01-26-82)

38-3-3 SPECIFICATIONS. For water services, the City shall specify the requirements for materials, construction and installation in all matters and at all locations, including the size, kind, type and condition of the water piping to which connection shall be made and it is the duty of the Superintendent to determine that specifications are followed before accepting or connecting to any new work.

38-3-4 WATER CONNECTION REQUIREMENTS. The City reserves the right, through its Superintendent, to select and specify the kind, make, type and size of any and all materials and appliances used in services and meter installations, except that in no case shall a pipe of less than three-fourths (3/4) of an inch inside

diameter, Type "K" Copper be installed for service. A service shall be considered as only that pipe which extends from the cutoff valve or meter to the water main in a street or thoroughfare directly to an abutting property. The applicant or owner shall be responsible for all repairs, alterations and maintenance on the water line from the main to the property served.

38-3-5 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.

38-3-6 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY. The City reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentration of water in any part of the City in case of fire, and for restricting the use of water in case of deficiency in supply. No claim shall be made against the City by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants, or other connections or repairing any part of the Waterworks System, or from failure of the water supply or by increasing the water pressure at any time, or from concentration or restricted use of water as shown above.

38-3-7 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.

38-3-8 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 shall 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.

38-3-9 ELECTRIC GROUND WIRES. All persons are strictly forbidden to attach any electrical 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.

38-3-10 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 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. Charges for the use and connection of the meter shall be prescribed by the Superintendent of the Water and Sewer Department. (See 1975 Code; Sec. 7.07c)

38-3-11 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 the 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 shall 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.

38-3-12 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.

(A) During the period from **May 15** each year to **September 15** each year watering lawns or gardens with sprinklers or fountains shall be permitted only from the hours of **6:00 A.M. to 9:00 A.M.** and from **6:00 P.M. to 9:00 P.M.** Watering shall only be permitted on even number days for homes and businesses whose street address is an even number and on odd numbered days for homes and businesses whose street address is an odd number.

When replacing sod or newly seeded lawns a permit may be issued by the Public Works Department allowing watering for up to **eight (8) hours** on the first day and watering from **6:00 A.M. to 9:00 A.M. and 6:00 P.M. to 9:00 P.M.** for the next **nine (9) days**. In no event shall anyone watering the lawn or garden use enough water to permit the water to runoff into the street, ditches, gutters or drains.

The fine for anyone violating this Section shall be a minimum of **Fifty Dollars (\$50.00)** and a maximum of **Five Hundred Dollars (\$500.00)** with any second or subsequent offense a minimum of **One Hundred Dollars (\$100.00)** and a maximum of **Five Hundred Dollars (\$500.00)**. (Ord. No. 1416; 2005)

38-3-13 **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.

38-3-14 **LIMIT AMOUNT OF USE.** If, at any time, there is a deficiency in the supply of water, the City may declare that an emergency exists and place a restriction on the amount of water a customer may use and purposes for which it may be used during the time of such emergency.

38-3-15 **DEDUCTIONS AND REBATES.** No deductions or rebates shall be made to any water customer because of a water leak in his water line, tank, or other appurtenance. The amount of water registered by an operating meter shall be charged to the customer and paid in full as provided in **Article II** of this Chapter. (#980)

38-3-16 **NONCOMPLIANCE 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 nonpayment, emergency, necessity or as otherwise provided, the City shall not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-17 **MAINTENANCE OF WATER LINES.** The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service. The City shall limit its responsibility to maintaining water lines to the water mains and not to the service lines. The property owner shall be responsible for the service line from the corporate stop on the water main to the water meter as well as the line from the meter into the premises served. All replaced water mains and all new water main extensions shall be a minimum of **six (6) inch** water line. (Ord. No. 1451; 11-28-06)

38-3-18 **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 a 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.

38-3-19 **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 water 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. (#638; 11-23-59)

(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 officials and employees of the City at all reasonable hours.

38-3-20 - 38-3-21 **RESERVED.**

DIVISION II - CROSS CONNECTIONS

38-3-22 **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**.

38-3-23 CROSS CONNECTIONS 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.

38-3-24 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**.

38-3-25 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.

38-3-26 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.

38-3-27 CONTAMINATIONS COST AND THE CONSUMER. The consumer responsible for the back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

ARTICLE IV - UTILITY RATES**DIVISION I - GENERAL**

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

38-4-2 REVENUES. All revenues and monies derived from the operation of the Water and Sewer Department shall be deposited in the respective Water and Sewer Funds. All such revenues and monies shall be held by the City Clerk separate and apart from his private funds and separate and apart from all other funds of the City, and all of said sum, without any deductions whatever, shall be delivered to the 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 Treasurer shall receive all such revenues from the Water and Sewer Department and all other funds and monies incident to the operation of such Department as the same may be delivered to him and deposit the same in the proper accounts of the Water and Sewer Funds. The City Council shall administer such fund in every respect in the manner provided by the **Illinois Revised Statutes, Chapter 24.**

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

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

(A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.

(B) Billing data to show total number of gallons billed.

- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

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

38-4-5 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

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

DIVISION II - WATER RATES

38-4-10 WATER TAP-ON FEES.

(A) **Inside City.** Applicants for water service inside the City shall pay a charge of **Three Hundred Fifty Dollars (\$350.00)** to connect to the water mains of the City for properties not now connected or tapped-on to the water mains, whether presently constructed or to be constructed. The foregoing charge shall be a privilege fee only and the only material to be furnished by the City shall be the water meter. All other appurtenances, such as connecting pipes, meter vaults and covers, valves, and connections shall be furnished by the applicant. All such connections shall be made under the supervision of the City and in such a manner as the City may direct through its duly authorized employees. All costs for excavation and labor for the tap-on shall be paid by the applicant.

(B) **Outside City.** Applicants for water service outside the City shall be subject to the same requirements as applicants inside the City and shall pay a fee of **Three Hundred Fifty Dollars (\$350.00)** to tap-on to the water main.

(C) **Pinnacle Point Subdivision Waiver.** The waterline tap-on fee shall be waived for any property owner who granted an easement for waterline purposes for the waterline installed adjacent to the North Road for the Pinnacle Point Subdivision. (Ord. No. 1207; 03-28-95)

38-4-11 WATER RATES.

(A) **Municipal Bulk Water Rate.** There is hereby established the monthly base rate or charge for water furnished by the City of Hillsboro, as adjusted by Paragraph "F" and other adjustments as deemed necessary from time to time by the City, to neighboring municipalities, the State of Illinois for water furnished to the John A. Graham Correctional Center, and the Montgomery County Water Company, based upon readings as shown by the master water meters, as follows:

- (1) Rate: \$1.60 per 1,000 gallons.
- (2) All bills for service shall be rendered as of the **first (1st) day** of the month succeeding the month for which the service is billed, and shall be payable not later than the close of business on the **fifteenth (15th) day** of the same month except that when the **fifteenth (15th) day** of the month shall be a Sunday or a legal holiday, then such bills for service shall be payable on the next succeeding day.
- (3) If the rates or charges for such services are not paid within **thirty (30) days** after rendition of the bill for such services, the bill shall be considered delinquent and such services may be discontinued without further notice.
- (4) It is the duty of the City Clerk to render bills for service and for all rates and charges in connection therewith and to collect all monies due thereon.
- (5) The Mayor and City Clerk are authorized to enter into a contract on behalf of the City with any municipality or other bulk water user desiring to purchase water from the City for a term of not to exceed **forty (40) years**; said contract to define the conditions on which water is to be furnished.
(Ord. No. 1556; 03-13-12)

(B) **Residential Within City Limits.** There is hereby established base rates or charges for the use of and for the service supplied to residential users, as adjusted by Paragraph "F", within the City Limits by the water system, based upon the amount of water consumed per month as shown by the water meter, as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of Jan 2006)</u>
First 10,000 gallons	\$3.50 per 1,000 gallons
Next 10,000 gallons	\$2.44 per 1,000 gallons
Next 10,000 gallons	\$2.31 per 1,000 gallons
Over 30,000 gallons	\$2.21 per 1,000 gallons
MINIMUM MONTHLY BILL	\$10.49

(See Paragraph "F" for increases)

(C) Residential Outside City Limits. There is hereby rates or charges for the use of and for the service residential users outside the City Limits by the water upon the amount of water consumed per month as shown as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of May 1, 2010)</u>
First 2,000 gallons	\$38.00 per 1,000 gallons
Next 2,000 gallons	\$7.00 per 1,000 gallons
Over 4,000 gallons	\$5.75 per 1,000 gallons
MINIMUM MONTHLY BILL	\$38.00

(See Paragraph "F" for increases)

(Ord. No. 1510; 05-11-10)

(D) Industrial Within City Limits. There is hereby established rates or charges for the use of and for the service supplied to industrial users within the City Limits by the water system, based upon the amount of water consumed per month as shown by the meter, as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of Jan 2006)</u>
First 10,000 gallons	\$3.50 per 1,000 gallons
Next 10,000 gallons	\$2.44 per 1,000 gallons
Over 20,000 gallons	\$2.21 per 1,000 gallons
MINIMUM MONTHLY BILL	\$13.96

(See Paragraph "F" for increases)

(E) Industrial Outside City Limits. There is hereby established rates or charges for the use of and for the service supplied to industrial users outside the City Limits by the water system, based upon the amount of water consumed per month as shown by the meter, as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of Jan 2006)</u>
First 10,000 gallons	\$5.25 per 1,000 gallons
Next 10,000 gallons	\$3.60 per 1,000 gallons
Next 10,000 gallons	\$3.15 per 1,000 gallons
Over 30,000 gallons	\$2.31 per 1,000 gallons
MINIMUM MONTHLY BILL	\$20.97

(See Paragraph "F" for increases)

(E) **Bulk Sales - Water Plant.** All water sold at the water plant as bulk sales shall be at the rate as follows:

- (1) \$3.00 per 1,000 gallons
(See Paragraph "F" for increases)

(F) **Water Rate Increases.** The rate for water consumed by all persons, corporations, and municipalities shall be as follows:

<u>EFFECTIVE DATE</u>	<u>RATE INCREASE</u>
November 1, 2011	5 Percent
November 1, 2012	3 Percent
November 1, 2013	3 Percent
November 1, 2014	3 Percent

(Ord. No. 1545; 09-27-11)

(G) All water drawn directly from a municipal water source by any resident of the City shall be free of charge; All water drawn directly from a municipal water source by any non-resident shall be at the following rate:

- (1) **Sixty Dollars (\$60.00)** per year (See paragraph (F) for increases) (Ord. No. 1287; 11-09-99)

(H) Any new commercial business establishment in the City whose predominant business is retail sales shall have its water and sewer bill abated for the first twelve (12) months it is in business. (Ord. No. 1405; 12-14-04)

38-4-12 - 38-4-19RESERVED.

DIVISION III - SEWER RATES

38-4-20 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, a debt service charge and a surcharge; if applicable.

38-4-21 COMPUTATION OF DEBT SERVICE CHARGE. The debt service charge shall be computed by dividing the annual debt service of all outstanding bonds by the quantity used. Through further divisions, the monthly and quarterly debt service charges can be computed.

38-4-22 BASIC USER CHARGE BASIS. The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(A) A five (5) day, twenty degrees Celsius (20°C.) biochemical oxygen demand (BOD) of two hundred sixty (260) mg/l.

(B) A suspended solids (SS) content of three hundred (300) mg/l.

It shall consist of operation and maintenance costs, plus replacement and shall be computed as follows:

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

(D) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.

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

- (F) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.
- (G) Compute costs per one thousand (1,000) gallons for normal sewage strength.
- (H) Compute surcharge costs per one thousand (1,000) gallons per mg/l in excess of normal sewage strength for BOD and SS.

38-4-23 SURCHARGE.

(A) A surcharge shall be levied to all users whose waters exceed the normal concentrations for BOD of **two hundred sixty (260) mg/l** and SS of **three hundred (300) mg/l**. The surcharge shall be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the **two hundred sixty (260) mg/l and three hundred (300) mg/l** for BOD and SS respectively. Section 38-4-28 specifies the procedure to compute a surcharge.

(B) The adequacy of the wastewater service charge shall be reviewed 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 or a change in operation and maintenance costs, including replacement costs.

38-4-24 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons**.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent 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 Superintendent 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, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Superintendent.

38-4-25 DEBT SERVICE CHARGE AMOUNT. A debt service charge amount of \$_____ per quarter to each user of the wastewater facility of the City is hereby established. (None established presently.)

38-4-26 BASIC USER RATE.

(A) **Metered Consumers.** There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the City.

(1) A minimum charge of **Four Dollars (\$4.00) per month** shall be applied to all users whose water consumption does not exceed **one thousand (1,000) gallons per month.**

(2) A basic user rate of **One Dollar Sixty-Five Cents (\$1.65) per one thousand (1,000) gallons** shall be applied to all users for water consumption in excess of **one thousand (1,000) gallons per month.**

(3) **Sewer Rate Increases.** This basic user rate shall be increased periodically as follows:

<u>EFFECTIVE DATE</u>	<u>RATE INCREASE</u>
November 1, 2011	6 Percent
November 1, 2012	3 Percent
November 1, 2013	3 Percent
November 1, 2014	3 Percent

(Ord. No. 1545; 09-27-11)

(B) **Non-Metered Consumers.** All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month to adequately cover the costs of the minimum debt service charge, the minimum service charge and the basic user rate of **One Dollar Sixty-Five Cents (\$1.65) per one thousand (1,000) gallons.**

The flat rate charge shall allow a maximum of **one thousand (1,000) gallons per month.**

In the event use of the wastewater facilities is determined by the Superintendent to be in excess of **one thousand (1,000) gallons per month,** the Superintendent may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

(C) **Special Rates - Schram City and Graham Correction Center.** The sewer charge shall be **One Dollar Sixty-Three Cents (\$1.63) per one thousand (1,000) gallons per month.**

(#1070; 04-26-88)

38-4-27 SURCHARGE RATE. The rates of surcharges for BODs and SSs shall be as follows: **\$.165 per 1,000 gallons** (Ord. No. 1399; 10-26-04)

38-4-28 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

38-4-29 WASTEWATER SERVICE CHARGE COMPUTATION. The wastewater service charge shall be computed by the following formula:

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

Where CW = Amount of wastewater service charge (\$) per billing period.
 CD = Debt Service Charge (Section 38-4-25)

- CM = Minimum Charge for Operation, Maintenance and Replacement (Section 38-4-26)
- Vu = Wastewater Volume for the billing period.
- X = Allowable consumption in gallons for the minimum charge (Section 38-4-26)
- CU = Basic User Rate for Operation, Maintenance and Replacement (Section 38-4-26)
- CS = Amount of Surcharge (Sections 38-4-27 and 38-4-28)

38-4-30 EFFECTIVE DATE OF RATES. The rates and service charges established for user charges in this Chapter shall be effective as of the next fiscal year beginning **May 1, 1989** and on bills to be rendered for the next succeeding month being billed for monthly users.

38-4-31 SEWER CONNECTION CHARGE.

(A) **Inside City Limits.** A sewer connection or tap-on fee in the amount of **Three Hundred Dollars (\$300.00)** shall be charged per unit, regardless of the age of the sewer main. This fee shall apply to all property within the corporate limits and shall be payable in advance to the City Clerk.

(B) **Outside City Limits.** For all property outside the City Limits, the tap-on fee shall be \$_____ per unit and payable in advance.

(C) **Combined Tap-On.** Where a tap-on is made to a water line and a sewer line from the same premises and the tap-ons are made within **ninety (90) days** of each other, then a single tap-on charge shall be payable. (**#621; 01-27-58**)

(D) **Licensed Plumber.** The sewer connection or tap-on shall be accomplished by an Illinois licensed plumber, who is properly insured.

(E) **Inspection.** The City Superintendent shall approve the tap-on prior to covering the construction and excavation required by this Chapter.

(F) **Streets.** Persons installing sewer lines across City streets or property shall repair the street as required by **Chapter 33** of the City Code.

(G) **Maintenance.** The customer and/or property owner who is served by the sewer connection and building sewer shall be responsible for the maintenance of the same from the sewer main to the building.

ARTICLE V - SEWER SYSTEM

DIVISION I - GENERALLY

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

(A) **"GOVERNMENT, FEDERAL":**

"Administrator" means the Administrator of the United States Environmental Protection Agency.

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

"Federal Grant" shall mean the United States 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.

(B) **"GOVERNMENT, LOCAL":**

"Approving Authority" means the City Council of Hillsboro.

"Superintendent" means the Superintendent or Manager of the Sewer Department or his duly authorized deputy agent or representative.

(C) **"GOVERNMENT, STATE":**

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

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

(D) **"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.

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

(F) **"SEWER TYPES AND APPURTENANCES":**

"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.

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

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

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

"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 (or combined sewer system), even though those sewers may not have been constructed with City funds.

"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.

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

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

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

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

(G) **"TREATMENT":**

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

"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".

(H) **"TYPES OF CHARGES":**

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

"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.

"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.

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

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in this Article.

"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.

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

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in **Article IV** and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

(I) **"USER TYPES":**

"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.

"Industrial User" shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A - Agriculture, Forestry, and Fishing.
- (2) Division B - Mining.
- (3) Division D - Manufacturing.
- (4) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (5) Division I - Services.

A user in the Divisions listed may be excluded if it is determined by the City that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

"Residential or Commercial" or "Non-industrial User" shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Section.

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

(J) **"WASTEWATER AND ITS CHARACTERISTICS":**

"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°C**, expressed in milligrams per liter.

"Effluent Criteria" are defined in any applicable "NPDES Permit".

"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.

"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.

"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.

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that:

- (1) has a flow of **fifty thousand (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 302(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.

"Milligram per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001g of the constituent in **one thousand (1,000) ml** of water. It has replaced the unit formerly used commonly, "parts per million", to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"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"

"ppm" shall mean parts per million by weight.

"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 **one hundred (100) gallons** of sewage per day, containing **0.22 pounds** of BOD and **0.25 pounds** of suspended solids.

"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.

"Sewage" is used interchangeably with "wastewater".

"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.

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

"Suspended Solids" 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 "Standard Methods".

"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.

"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.

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

(K) **"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.

(L) **"WATERCOURSE AND CONNECTIONS":**

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

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

38-5-2 **RESERVED.**

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-3 SEWAGE ON PUBLIC OR PRIVATE PROPERTY. 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.

38-5-4 NATURAL OUTLET DISCHARGE. It shall be unlawful to discharge to any natural outlet within the City, or in any 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 Article.

38-5-5 PRIVATE SYSTEM. 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.

38-5-6 CONNECTION REQUIRED. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, or 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 Article, within **ninety (90) days** after the date of official notice to do so, provided that the public sewer is within **one hundred (100) feet** of the property line.

38-5-7 - 38-5-9 RESERVED.

DIVISION III - PRIVATE SEWAGE DISPOSAL

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

38-5-11 PRIVATE SEWER SYSTEM PERMIT. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. 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 are deemed necessary by the Superintendent. A permit and inspection fee of **Fifty Dollars (\$50.00)** shall be paid to the City at the time the application is filed. (See Appendix No. 4)

38-5-12 INSPECTION OF INSTALLATION. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. 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 Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **sixty (60) hours** of the receipt of written notice by the Superintendent.

38-5-13 REQUIREMENTS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **ten thousand (10,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14 AVAILABILITY 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 **Division I**, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-5-15 **OPERATION OF 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.

38-5-16 **ADDITIONAL REQUIREMENTS.** No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the Health Officer or the State of Illinois.

38-5-17 **CONNECTION TO PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20 **RESERVED.**

DIVISION IV

BUILDING SEWERS AND CONNECTIONS

38-5-21 **PERMIT REQUIRED.** No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-5-22 **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-23 **APPLICATION FOR PERMIT; FEE.** There shall be **two (2) classes** of building sewer permits:

- (A) for residential and commercial service, and
- (B) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application

shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of **One Hundred Fifty Dollars (\$150.00)** for a residential or commercial building sewer permit shall be paid to the City Treasurer at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. (See **Appendix No. 5**)

38-5-24 CAPACITY OF SEWER. A building sewer permit shall be issued and a sewer connection be allowed only if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-25 COSTS AND EXPENSES. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner shall be responsible for all future repairs, alterations and maintenance of lateral lines.

38-5-26 INDEPENDENT BUILDING SEWER REQUIRED. A separate and independent building sewer shall be provided for every building, except that where **one (1)** 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 (1) building sewer**.

38-5-27 DEMOLISHED BUILDINGS. The landowner of any property in the City on which a building or buildings is or are to be demolished shall first shut off and close all sewer lines to the building or buildings to be demolished. (**#1079; 11-08-88**)

38-5-28 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 Superintendent to meet all requirements of this Code.

38-5-29 CONSTRUCTION OF BUILDING SEWER. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the 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.

38-5-30 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-5-22**, and discharged to the building sewer.

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

38-5-32 BUILDING SEWER; PLUMBING CODE. 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 gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

38-5-33 NOTIFICATION FOR INSPECTION. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

38-5-34 **BARRICADES AT EXCAVATIONS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-5-35 **RESERVED.**

DIVISION V

USE OF THE PUBLIC SEWERS

38-5-36 **DISCHARGE OF STORM WATER INTO SEWER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-37 **STORM SEWERS.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent to a storm sewer, combined sewer, or natural outlet.

38-5-38 **PROHIBITED DISCHARGES TO SEWERS.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(C) Any waters or wastes having a pH lower than 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.

38-5-39 INDUSTRIAL COST RECOVERY SYSTEM. No industrial user may discharge sewage into any public sewer until the City has adopted and industrial cost recovery system which:

(A) meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 citation an applicable federal regulations; and

(B) has been approved by the Agency in accordance with the conditions of any grant made to the City by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the City.

(Section 38-5-29) may be deleted if an Industrial Cost Recovery System is being developed).

38-5-40 DISCHARGES PROHIBITED IF HARMFUL. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the 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 its 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), [sixty-five degrees Celsius (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 sixty-five degrees Celsius (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 Superintendent.

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

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such 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 taste or odor-producing substances, in such concentrations 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 waters or wastes having a pH in excess of 9.5.

(I) 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.

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

(K) Materials which exert or cause:

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

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

38-5-41 ACTION BY CITY COUNCIL. 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 38-5-40** of this Division, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, **Thursday, November 8, 1973** and any amendments thereto, and which, in judgment of the City Council 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:

- (A) reject the wastes;
- (B) require pretreatment to an acceptable condition for discharge to the public sewers;
- (C) require control over the quantities and rates of discharge; and/or
- (D) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of **Section 38-5-47.**

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.

38-5-42 INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

38-5-43 FACILITY MAINTENANCE. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-44 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when

required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-45 LABORATORY ANALYSES. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the 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 analysis to the City at such times and in such 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.

38-5-46 TESTING REQUIREMENTS. 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 "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said 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.

38-5-47 SPECIAL ARRANGEMENTS. No statement contained in this Division 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 therefor, in accordance with this 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.

38-5-48 - 38-5-49 RESERVED.

DIVISION VI

PROTECTION OF SEWAGE WORKS FROM DAMAGE

38-5-50 DESTROYING EQUIPMENT. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-5-51 RESERVED.

DIVISION VII

POWERS AND AUTHORITY OF INSPECTORS

38-5-52 INSPECTION AND TESTING. The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be

permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

38-5-53 OBSERVATION OF SAFETY RULES. While performing the necessary work on private properties referred to in Section 38-5-52 the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 38-5-44.

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

38-5-55 RESERVED.

DIVISION VIII - PENALTIES

38-5-56 **PENALTY DESCRIBED.** Any person found to be violating any provision of this Code except **Division 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 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 Code.

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

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

ARTICLE VI**UTILITY EXTENSIONS****DIVISION I - GENERALLY**

38-6-1 **POLICY FOR EXTENSIONS.** The City Council has determined that it will not pay the cost or any portion thereof for any new water and/or sewer main extensions whether they are within the City or in a proposed subdivision. It shall be the responsibility of the subdivider or contractor to pay all costs relative to the construction of said water and sewer lines. The requirements of the Subdivision Code shall be complied with at all times.

38-6-2 **WATER EXTENSIONS OUTSIDE CITY.** If the City Council approves a water line extension outside the corporate limits, then the person proposing the water extension shall pay costs associated with said extension. In addition, the person shall furnish all engineering services and secure the proper State of Illinois permits necessary to extend the water lines. All proposed extensions shall be reviewed by the Plan Commission to determine if they comply with the comprehensive plan of the City. The City Engineer shall review and approve of all proposed main extensions.

38-6-3 SEWER EXTENSIONS OUTSIDE CITY. It is the expressed policy of the City Council that before any connection is made to the sewer mains within the City for property located outside the City, the property to be served shall be annexed to the City. All sewer main extensions shall be installed at the owner or developer's expense. The owner shall secure the proper state permits and shall have the project designed by an engineer. The owner shall secure the necessary easements for the mains. All of the requirements in **Section 38-6-4** shall be complied with unless waived by the City Council.

38-6-4 REQUIREMENTS. The City will accept the responsibility of the maintenance of the water and/or service line extensions **one (1) year** after the City Engineer has completed his inspections and has filed his written approval with the Commissioner of Public Property.

Before any connections or tap-ons are made to the water and/or sewer mains, the owner or developer shall assign all ownership in the utility extensions and any easements to the City. The City Council will acknowledge said assignment through the adoption of a resolution.

Thereafter all parties who connect to the water and/or sewer extension shall pay the appropriate connection fee as provided for in Article IV of this Chapter.

In the event the owner or developer does not assign his interest or the City will not accept the mains for maintenance after inspection, the new extensions will be the responsibility of the owner and/or developer to install a master meter and be responsible for all water and sewer changes in addition to the maintenance of the mains. (In Part; Ord. No. 884; 07-26-77)

38-6-5 TESTING AND INSPECTION FOR ACCEPTANCE OF SANITARY SEWERS. All new sanitary sewers and existing sanitary sewers before being accepted by the City shall be tested and inspected by each of the following methods:

- (A) Exfiltration of air under pressure;
- (B) Deflection for flexible thermoplastic pipe; and
- (C) Lamping.

Each such test shall be conducted according to 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, and shall be conducted at a time when a representative of the City is present. (Ord. No. 1240; 03-25-97)

38-6-6 - 38-6-9 RESERVED.

DIVISION II - WATER EXTENSION

38-6-10 APPLICATION. Any person within the service areas of the Utility Systems and desiring the extension of the mains to the premises shall make application therefor to the Water and Sewer Department, and in making the application, shall present a plat showing the area to be served by the main extension.

38-6-11 REQUIREMENTS OF PROPOSED EXTENSION. Plats shall be submitted by the applicant to the City Clerk, the Engineer and the Commissioner of Public Property for determination of the size and lengths of the utilities installations, location of fire hydrants, water service valves and other appurtenances to be installed based upon the following provisions:

(A) Mains shall be sized so that fire protection service may be rendered to all lots or premises to be served by the main and any possible extension thereof.

(B) Fire hydrant shall be so located that no premises will be more than **six hundred (600)** feet from a fire hydrant.

(C) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property, and if the last lot to be served is a corner lot or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersection street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.

(D) The City may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the City to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed. Main trunk lines shall be installed by the developer.

(E) The City reserves the right to further extend the mains from and beyond the terminus of each main extension made under this Chapter. The applicant or the applicant's agent paying for an extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved.

(F) Extensions made under this rule shall be and remain the property of the City.

(G) Before the City mains will be laid hereunder, it is understood and agreed that the road surface will be brought to the extended sub-grade and the applicant, developer of such new

subdivision shall furnish the City with a right-of-way agreement in suitable form to the City, unless the streets of the new subdivision have been dedicated to public use.

(H) **Installing Pipe Lines in Paved or Unpaved Streets.** When a pipe line is to be installed in a paved or unpaved street, a service line of **three-fourths (3/4) inch Type "K" Copper** is to be provided to the center line of each lot for a one-family dwelling. The service line is to terminate at a point **three (3) feet to five (5) feet** inside the property line in a meter box.

When a business or an apartment house is to be serviced, contact the Utilities Department to obtain the proper size for the service.

38-6-12 ENGINEER TO PREPARE PLANS. After approval of design, plans and specifications shall be prepared in accordance with the foregoing and with specifications for water main extensions from time to time adopted by the Council. The plans and specifications shall be prepared by the City Engineer, or a Civil Engineer acceptable to the Council.

38-6-13 SEALED BIDS - LARGER PIPE REQUIRED. Sealed bids shall be received by the Council after advertisement not less than **ten (10) days** prior to the date of receiving of bids and after receipt thereof, the applicant shall deposit with the City Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material and all costs of engineering and inspection. Excepting that if the City should require the installation of a size of pipe larger than is required by the City to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision, with the City paying the additional cost for a larger line.

38-6-14 CONTRACT. Upon a deposit of the money by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the City, as follows:

[See "SUBDIVISION CODE" for provisions applicable divisions.]

[The Next Chapter is Chapter 40, Zoning Code]