

**CHAPTER 39**

**UTILITY SYSTEMS**

**ARTICLE I – REGULATIONS AND RATES**

**DIVISION I – APPLICATIONS, FEES AND DEPOSITS**

**39-1-1**     **APPLICATION FOR SERVICE.** Water and sewer service shall be furnished only upon filing an application with the Village upon forms to be supplied by the Village. The application shall state the name and mailing address of the applicant, the type of structure and the number of premises to be served.

**39-1-2**     **PREMISES AND STRUCTURE.** Each dwelling unit or separate business unit shall be considered a “premises”. A “structure” shall be construed to cover all buildings and divisions under one common roof and shall include one or more premises. For example, a duplex is one structure containing **two (2)** premises.

**39-1-3**     **CHARGES AND DEPOSITS FOR NEW SERVICE.** No permit shall be issued from the Village for connection of any structure to the sewer system or for construction of any private sewage disposal system or the installation of any water meter unless or until the applicable fees and deposits have been paid, including, if applicable, amounts due under the Fair Share Assessment (**Section 35-8-7**). Following are the various fees and deposits required hereunder:

<u>Description</u>	<u>Amount</u>
Water Connection Fee	\$400.00 per premises or the following for commercial meters:
5/8" meter	\$400.00
3/4" meter	\$470.00
1" meter	\$565.00
1 1/2" meter	\$1,250.00
2" meter	\$2,500.00
<b>(Ord. No. 98-6; 07-13-98)</b>	
Water Meter Installation Fee	\$200.00 (Applicant provides complete proper meter pit; Village supplies and installs meter) or

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<u>Description</u>	<u>Amount</u>
	\$550.00 (Village constructs meter pit as well as provides and installs meter)
Village Sewer Connection Fee	\$50.00 per premises or an amount equal to water connection fee for commercial users
Springfield Metro Sanitary Sewer Connection Fee	\$300.00 per premises established by SMSD and payable to SMSD through the SMSD permit process
Private Sewage Disposal Inspection Fee	\$50.00 (See Section 39-1-6)
Street Opening Permit	\$200.00 (See Section 39-1-7)
Water and/or Sewer Deposit Residential	\$100.00 (See Section 39-1-8)
Water and/or Sewer Deposit Multiple Resident/Commercial	\$150.00 (See Section 39-1-8)

**39-1-4 MULTIPLE PREMISES STRUCTURES.** For structures having more than one premises, at the customer’s option, water service may be provided by a single meter for the structure or by individual meters for each premises. In the event a single structure meter is installed, the meter and service piping shall be sized as follows:

No. of Premises	Meter Size	Service Piping Size
1	5/8"	3/4"
2	3/4"	1"
3 or 4	1"	1 1/4"
5 to 12	1 1/2"	2"

Over 12 premises, meters to be sized individually.

**39-1-5 CAPITAL IMPROVEMENT FUND AND WATER AND SEWER CONNECTION FEES.** The Board of Trustees of the Village does herewith create a Capital Improvement Fund to be administered by the Treasurer of the Village in the same manner as the Treasurer administers other moneys of the Village, the security of which said Fund shall be under appropriate bond of the Treasurer of the Village.

(A) All water and sewer connection fees and charges collected hereunder shall be kept by the Treasurer in the Capital Improvement Fund.

(B) The Capital Improvement Fund shall be used only for the construction of improvements to sewage treatment plants and the interceptor or main lines of the sewer system and water system as it is now or will in the future be constituted; provided, however, that in the event bonds are in the future issued by the Board of Trustees of the Village for the installation of the capital improvements above described, whether the bonds be issued after referendum, by order of a court of competent jurisdiction or by order of an administrative agency of the State, these said bonds and interest accruing thereon can, from time to time, be retired by the funds available in said Capital Improvement Fund by resolution of the Board of Trustees of the Village.

(C) No permit shall be issued for connection of any structure to be public sewer system until the Village sewer connection fee and the applicable SMSD sewer connection fee is paid for each premise. This fee shall be in addition to any fee or deposit required for breaking the surface of streets or other public ways.

**39-1-6 PRIVATE SEWAGE DISPOSAL INSPECTION FEE.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Village Clerk. The application shall be made on a form furnished by the Village and shall include a drawing showing lot lines, buildings and proposed location and dimensions of the private sewage disposal system. A private sewage disposal inspection fee of **Fifty Dollars (\$50.00)** shall be paid at the time the application is filed.

**39-1-7 WATER AND SEWER SERVICE DEPOSIT.** A deposit of **One Hundred Dollars (\$100.00)** for individual residences and **One Hundred Fifty Dollars (\$150.00)** for multiple residences and commercial properties and **Two Hundred Dollars (\$200.00)** for any rental property shall be required for each premises receiving water and/or sewer service. Such deposits shall be applied to any monthly bill delinquent more than **thirty (30) days**. Upon discontinuation of water and/or sewer service, any balance of such deposit shall be returned to the applicant without interest. For any applicant for whom service has been previously discontinued, the required deposit shall be increased by **Fifty Dollars (\$50.00)** for each discontinuance. For rental property, the deposit is required to be paid by the renter. On rental property currently being rented where the renter has not paid the full **Two Hundred Dollars (\$200.00)**, but the owner has already paid a **One Hundred Dollar (\$100.00)** deposit, any new renter shall be required to pay **Two Hundred Dollars (\$200.00)** and at such time the owner of the rental property shall be refunded the original **One Hundred Dollars (\$100.00)** deposit. Nothing herein, however, shall absolve the owner of rental property from the ultimate responsibility for payment of any and all water and sewer services used at the rental property. **(Ord. No. 12-05; 06-11-12)**

**39-1-8 - 39-1-11 RESERVED.**

**DIVISION II – BILLING FOR SERVICE**

**39-1-12 DEPOSIT.** Deposit is required for each premises receiving water and/or sewer service, in conformance with **Section 39-1-8. (Ord. No. 11-1-71)**

**39-1-13 WATER RATES.** Charges for each premises receiving water service and rates for the amount of water consumed as measured and recorded by the water meters are hereby established as follows:

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

- (1) **Twenty-Eight Dollars Ninety Cents (\$28.90)** per month per premises served within the Village limits, consisting of a capital improvement charge of **Eight Dollars Fifty Cents (\$8.50)** and an OM&R charge of **Twenty Dollars Forty Cents (\$20.40)**, which shall include **one thousand (1,000) gallons** of water per month, plus
- (2) **Nine Dollars Eighty Cents (\$9.80)** per **one thousand (1,000) gallons** of water used in excess of **one thousand (1,000) gallons** per month.

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

- (1) **Thirty-Nine Dollars Ten Cents (\$39.10)** per month per premises served outside the Village limits, consisting of a capital improvement charge of **Eight Dollars Fifty Cents (\$8.50)** and an OM&R charge of **Thirty Dollars Sixty Cents (\$30.60)**, which shall include **one thousand (1,000) gallons** of water per month, plus
- (2) **Fourteen Dollars Seventy Cents (\$14.70)** per **one thousand (1,000) gallons** of water used in excess of **one thousand (1,000) gallons** per month.

(C) **Water from Irrigation Meters.**

- (1) Water used from separate irrigation meters within the Village limits shall be charged at **Twenty Dollars Forty Cents (\$20.40)** consisting of an OM&R charge, with shall include **one thousand 1,000) gallons** of water per month, plus **Nine Dollars Eighty Cents (\$9.80)** per **one thousand (1,000) gallons** of water used in excess of **one thousand (1,000) gallons** per month.
- (2) Water used from separate irrigation meters outside the Village limits shall be charged at **Thirty Dollars Sixty Cents (\$30.60)** consisting of an OM&R charge, with shall include **one thousand 1,000) gallons** of water per month, plus **Fourteen Dollars Seventy Cents (\$14.70)** per **one thousand (1,000) gallons** of water used in excess of **one thousand (1,000) gallons** per month.

(D) **Hydrant Bulk Water.** Hydrant bulk water used from a meter supplied by Public Works Department shall be charged at **Fifty-One Dollars Zero Cents (\$51.00)** consisting of an OM&R charge, which shall include **one thousand (1,000) gallons** of water per use, plus **Twenty-Four Dollars Zero Cents (\$24.00)** per **one thousand (1,000) gallons** of water used in excess of **one thousand (1,000) gallons** per use.

**(Ord. No. 18-12; 04-23-18)**

**39-1-14 SEWER RATES.** Charges for each premises based on receiving water service and the sewer rates based on the amount of water consumed as measured and recorded by the water meters are hereby established as follows:

(A) **Basic User Charge. Nine Dollars Ninety Cents (\$9.90)** per **one thousand (1,000) gallons** of water supplied to the premises shall be applied to all users to recover operating, maintenance, and replacement (OM&R) costs.

(B) **Minimum Charge. Seven Dollars Fifty-Five Cents (\$7.55)** per month, which consist of an OM&R (non-flow related) charge. For each billed user of more than **two million (2,000,000) gallons** of water per year, the minimum charge per month shall be determined by the Village at least annually for each user based upon the following formula:

Total number of users x \$3.85

**(Ord. No. 18-12; 04-23-18)**

The "Annual water usage of the user" will be calculated using the most recent **twelve (12) calendar months** of information available prior to the date of the determination, provided that if it is a new user or if there is not at least **twelve (12) months** of usage information available for any such user, the Village will estimate the annual water usage of the user. The "average annual water usage of all residential users" will be calculated using the most recent **twelve (12) calendar months** of information available for all residential users of the Village's sanitary sewer system.

- (1) All metered water users within the corporate limits of both the Village and the Springfield Metro Sanitary District shall be subject to and pay the minimum charge set forth above for capital improvements and non-flow related OM&R. **(Ord. No. 97-3; 03-10-97)**
- (2) All metered water users within the corporate limits of both the Village and the Springfield Metro Sanitary District, and served by the Springfield Metro Sanitary District, shall be charged the Basic User Charge based on gallons of water received by that user to recover flow related OM&R costs. **(Ord. No. 97-3; 03-10-97)**
- (3) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect any change in local capital costs or OM&R costs.
- (4) **Computation of Wastewater Service Charge.** The wastewater service charge shall be computed by the following formula:

$$CW = CU(Vu) + CC + CM$$

Where CW = amount of wastewater service charge \$ per billing period

CU = basic user charge for operation, maintenance & replacement

Vu = wastewater volume for the billing period

CC = capital improvement charge

CM = minimum charge for operation, maintenance & replacement

The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement. The volume of flow used for computing basic user charges and surcharges shall be metered water consumption read to the lowest even increments of **one thousand (1,000) gallons. (Ord. No. 97-3; 03-10-97)**

- (5) If any 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 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 of Sewage Works for the purpose of determining the volume of water obtained from these other sources.

Devices for measuring the volume of water discharge may be required by the Superintendent of Sewage Works if these volumes cannot otherwise be determined from the metered water consumption records.

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 canceled, without the consent of the Superintendent of Public Works. **(Ord. No. 97-3; 03-10-97)**

**39-1-15** **MINIMUM MONTHLY BILLS.** A minimum monthly bill for water and/or sewer service established by ordinance by the Village Board shall be paid for each separate premises receiving water and/or sewer service. The minimum monthly bill shall be charged for each premises even though more than one premises is served by a single sewer connection.

**39-1-16**     **PAYMENT OF BILLS.** The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service on such premises, and the services are furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the Village.

**39-1-17**     **MONTHLY BILLING.** All bills for service shall be rendered monthly as of the first day of the month succeeding the period for which the service is billed (each period of service or "service month" shall be **thirty (30) or thirty-one (31) days** from the **twentieth (20<sup>th</sup>)** of one calendar month to the **twentieth (20<sup>th</sup>)** of the next following calendar month), and shall be payable not later than the close of business on the **twentieth (20<sup>th</sup>) day** of the same month.

**39-1-18**     **DELINQUENT BILLS, PENALTY.** If payment of the full amount of any bill is not made within the period of the **first (1<sup>st</sup>)** to the **twentieth (20<sup>th</sup>)** of the month in which it is due as set forth in **Section 39-1-16** above, then a penalty of **ten percent (10%)** of the amount of the bill shall be added thereto.

**39-1-19**     **RECOVERY OF DELINQUENT BILLS AND LIEN TO SECURE PAYMENT.** In the event any rates or charges for service are not paid within **thirty (30) days** of rendition of the bills, then and thereafter such delinquencies and penalty thereon shall constitute liens upon the real estate for which such service is supplied, and the Village Water and Sewer Clerk is hereby authorized to file sworn statements showing such delinquencies in the office of the Recorder of Deeds, Sangamon County, Illinois, and the filing of such statements shall be deemed notice of the payment of charges for such service. The Village Water and Sewer Clerk is also authorized to initiate such action in the Circuit Court of Sangamon County against all persons as may be liable for the services as set forth in **Section 39-1-16** above as may be necessary to collect such delinquent amounts.

**39-1-20**     **DISCONTINUED SERVICE.** If the rates or charges for such services are not paid within **forty-five (45) days** after rendition of the bill for such services, with applicable penalties, such services shall be discontinued without further notice and shall not be reinstated until all past due bills including the penalties thereon are paid in full, together with payment made of **Twenty-Five Dollars (\$25.00)** for reinstating such service. **(Ord. No. 99-13)**

**39-1-21 NOTICE OF DELINQUENCY, CONSEQUENCES AND OPPORTUNITY TO CONTEST.**

The Village Water and Sewer Clerk is directed to prepare and include a notice with each bill including any amount delinquent with a duplicate of such notice to the owner or other persons liable for the bill if not the same as the person to whom the bill is sent, providing the following information:

(A) That pursuant to this Chapter, there is a delinquent water bill(s) for the premises.

(B) That pursuant to this Chapter a penalty has been added.

(C) That pursuant to this Chapter each bill not paid within **thirty (30) days** of rendition constitutes a lien in the amount of such delinquency upon the real estate, notice of which may be recorded at the County Recorder of Deeds' office, and for which the Village is authorized to file suit in the Circuit Court against the responsible parties, which by ordinance includes the owner of the premises, the occupant thereof, and the user of the services, jointly and severally. **(Ord. No. 04-16-84)**

(D) That is the rates or charges for said services are not paid within **forty-five (45) days** after rendition of the bill for such services, with applicable penalties, such services shall be discontinued without further notice and shall not be reinstated until all past due bills, including the penalty thereupon, are paid in full, together with payment of **Twenty-Five Dollars (\$25.00)** for reinstating such service, all pursuant to ordinance. **(Ord. No. 99-13)**

(E) That each, any, or all of the persons responsible for the delinquent water service bill may meet with the Treasurer at the Village Hall during regular business hours and present any evidence that the bill is in error, that payment has been made for which credit was not given, or any other evidence, information, or reason negating or correcting the delinquency shown on the Village records. **(Ord. No. 98-6)**

(F) That there shall be added to any delinquent bill a charge of **Ten Dollars (\$10.00)** for each notice from the Village sent by certified mail and, if such certified mail is not retrieved by the responsible party, a charge of **Fifty Dollars (\$50.00)** for the hand delivery of each notice by the Village Police Department. **(Ord. No. 99-13)**

**39-1-22**     **ESTIMATED BILLS.** When it is not possible for meter readers to read the meter, the amount of water used will be estimated on the basis of part use on the premises in comparable periods, and a bill submitted for this amount of water.

A correction of estimated bills will not be made until the next billing is made on the basis of an actual meter reading. Refund of over-payments will not be made but will be credited to the customer's account. If the customer terminates his water service account, any refund due will be credited on the final bill.

**39-1-23**     **CHARGE FOR INTERMITTENT SERVICE.** If a user requests temporary suspension of service, the charge for resumption of service shall be **Ten Dollars (\$10.00)**, unless the request is for temporary suspension for a period no less than **forty-five (45) days** for which there will be no charge for resumption of service. **(Ord. No. 99-13)**

**39-1-24**     **CHANGE IN OCCUPANCY.** Any user of the water works system requesting a termination of services shall be given written notice to the Village Secretary **ten (10) day** prior to time that such termination of services is desired. At that time the meter shall be read by the Village, and a bill rendered to the occupant requesting the termination of the services.

**39-1-25**     **WATER AND SEWER CLERK TO RENDER BILLS.** It is hereby made the duty of the Village Water and Sewer Clerk of the Village to render bills for service and for all rates and charges in connection therewith and to collect all moneys due thereon. **(Ord. No. 06-05-72)**

**39-1-26**     **REVENUES DELIVERED TO THE VILLAGE TREASURER.** All revenues and moneys from the operation of the water and sewerage systems shall be deposited in separate accounts for each system. All such revenues and moneys shall be held by the Village Treasurer separate and apart from all other funds of the Village and all of said sums, without any deductions whatever, shall be delivered to the Village Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the President and Board of Trustees.

**39-1-27**     **WATERWORKS AND SEWERAGE FUNDS.** The Village Treasurer shall receive all such revenues from the sewerage and waterworks systems and all other funds and moneys incident to the operation of such systems as the same

may be delivered to him and deposit the same in the account of the funds designated as the "Sewerage" and "Waterworks" Funds of the Village and said Treasurer shall administer such Funds in every respect in the manner provided by statute.

**39-1-28 FREE SERVICE PROHIBITED.** No free service of any of the services supplied by the waterworks and sewerage systems shall be supplied by the Village or to any other person.

**39-1-29 NOTICE OF LIABILITY.** A copy of this Code, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks and sewerage systems of the Village on their properties. **(Ord. No. 92-4; 05-11-92)**

**39-1-30 ACCOUNTS.**

(A) The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage and waterworks systems and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursement of the sewerage and waterworks systems.

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

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

**39-1-31 ACCESS TO RECORDS.** The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any grant and/or loan agreements. **(Ord. No. 92-4; 05-11-92)**

**ARTICLE II – WATER SYSTEM**

**DIVISION I - REGULATIONS**

**39-2-1 SERVICE LINE FROM MAIN TO METER AND METER ASSEMBLY.** The Village shall install, own and be responsible for the maintenance of the service line from the main to the meter and the complete meter assembly.

**39-2-2 INTERRUPTION OF SERVICE.** The Village 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 concentrating of water in any part of the Village in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claims shall be made against the Village by reason of the breaking of any service pipe, or service cock, or damage arising from shutting off the water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of the water system, or from failure of the water supply, or by increasing or decreasing the water pressure at any time, or because of the concentrated or restricted use of any water as above outlined.

**39-2-3 DAMAGES FROM WATER SYSTEM BREAKDOWN.** All water service supplied by the system shall be upon the express condition that the Village shall not be liable nor shall any claims be made against it for damages or injury caused by reason of the breakage of any main, branches, service pipes, apparatus, appurtenances connected with said system, or any part or portion thereof, or for any interruption of the supply by reason of the breakdown of machinery, or by reason of stoppage, alterations, extensions or renewals.

**39-2-4 NO CONSUMER SHALL SUPPLY OTHER CONSUMERS.** No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefor. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both. This Section shall not apply to an approved retail seller of water.

**39-2-5 CONSUMER SERVICE PIPING.** It is understood that the water consumers shall pay for, install and maintain his service line from the location of the meter to his premises.

**39-2-6 WATER METER LOCATION.** In a normal situation the water meter will be installed adjacent to the sidewalk, or where the sidewalk location would be, on Village owned property. In the event that his location is not practical, the property owner shall give an easement for the location of the meter on his property.

**39-2-7 EASEMENTS.** It is understood by the applicant that should the need arise, the applicant shall give an easement for any part of the water system that shall be installed on the applicant's property.

**39-2-8 CHANGES TO WATER SYSTEM EQUIPMENT PROHIBITED.** No user of water supplied by the waterworks system shall be allowed to tamper with or make changes to any equipment of waterworks system owned by the Village; i.e., water meters, shut-off valves, etc.

**39-2-9 INTERCONNECTION OF STRUCTURES PROHIBITED.** No owner or plumber shall be permitted to conduct water pipes into any **two (2)** distinct structures unless separate and distinct stop-cocks and meters shall be placed at a location acceptable to the Village Trustee in charge of the water.

**39-2-10 RESELLING OF WATER PROHIBITED.** No water supplied by the waterworks system of the Village shall be resold by any user without permission of the Village, and unauthorized resale shall be grounds for the discontinuance of water service to the user reselling such water.

**39-2-11 WATER SERVICE OUTSIDE CORPORATE LIMITS.**  
(A) No person owning, leasing, representing or controlling real property lying in whole or part outside the Village shall be permitted to tap or connect into any part of the water system of the Village.

(B) Water service charges to properties now served, or hereinafter served for any reason, outside the Village limits shall be uniformly at **one hundred fifty percent (150%)** the rate provided for such service within the Village limits; and the real properties, whether occupied by the owners or renters thereof, shall be subject to lien for unpaid water service charges in the same manner and to the same extent as provided by law and the provisions for this Code for Village located properties.

**39-2-12 PROTECTION FROM DAMAGES.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover or deface or tamper with any structures, appurtenances or equipment which are a part of the Village sewage and

waterworks. Any person violating the provisions of this Section shall be subject to immediate arrest under a charge of disorderly conduct or malicious mischief. **(Ord. No. 11-01-71)**

**39-2-13**     **WATER WELL PERMITS REQUIRED.** It shall be unlawful to drill a water-well in the Village without the proper permits from the State of Illinois and the Village Board. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

**39-2-14**     **ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

**39-2-15**     **ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

**39-2-16**     **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby.

**39-2-17 - 39-2-19**     **RESERVED.**

**DIVISION II - EXTENSION OF MAINS**

**39-2-20 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.**

The Village Board shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the Village may install and pay the cost of the extension at the discretion of the Village Board. If the Village elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Village Board. The Village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. All extensions shall comply with the "Standard Specifications for Water & Sewer Construction in the State of Illinois". **(See Appendix #2)**

**39-2-21 EASEMENTS.** Applicants for main extensions shall deliver, without cost to the Village, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The Village shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

**39-2-22 SIZE AND TYPE.** The Village reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The Village further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the Village will pay the difference in cost.

**39-2-23 TITLE.** Title to all main extensions shall be vested in the Village and the Village shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the Village reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the Village will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

**39-2-24 MAINTENANCE AND REPLACEMENT.** The Village, at its own expense, shall maintain and when necessary, replace the Village-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the Village at its expense.

**39-2-25 - 39-2-27 RESERVED.**

**ARTICLE III – CROSS-CONNECTION**

**DIVISION I - CROSS-CONNECTION ADMINISTRATION**

**39-3-1 APPROVED BACKFLOW DEVICE.** All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**39-3-2 CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**39-3-3 INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

**39-3-4 RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the

required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

**39-3-5      NOTICE TO CUSTOMER; RECONNECT FEE.**

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

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

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

**39-3-6      CONTAMINATIONS COST AND THE CONSUMER.**      The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**(Ord. No. 87-2; 01-26-87)**

**39-3-7 - 39-3-10      RESERVED.**

**DIVISION II - CROSS-CONNECTION CONTROL CODE**

**39-3-11** **PURPOSE.** The purpose of these Rules and Regulations is:

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

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

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

**39-3-12** **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

**39-3-13** **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 39-3-37(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

**39-3-14** **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

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

**“Agency”** means Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Survey”** means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must

include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

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

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

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

**39-3-15     WATER SYSTEM.**

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

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

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

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

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

**39-3-16     CROSS-CONNECTION PROHIBITED.**

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

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

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

**39-3-17      SURVEY AND INVESTIGATIONS.**

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

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

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

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

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

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

**39-3-18     WHERE PROTECTION IS REQUIRED.**

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

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

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

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

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

**39-3-19      TYPE OF PROTECTION REQUIRED.**

(A)            The type of protection required under **Section 39-3-18** of these regulations shall depend on the degree of hazard which exists as follows:

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

(B)            The type of protection required under **Section 39-3-18** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

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

- (1)            The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2)            water is pumped into the system from another source; or

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

**39-3-20     BACKFLOW PREVENTION DEVICES.**

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

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

**39-3-21     INSPECTION AND MAINTENANCE.**

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

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

- (B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
- (C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (D) A maintenance log shall be maintained and include:
  - (1) date of each test or visual inspection;
  - (2) name and approval number of person performing the test or visual inspection;
  - (3) test results;
  - (4) repairs or servicing required;
  - (5) repairs and date completed; and
  - (6) servicing performed and date completed.
- (E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 39-3-11(A)**.
- (F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

**39-3-22 BOOSTER PUMPS.**

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

**39-3-23 VIOLATIONS AND PENALTIES.**

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

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

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

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

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

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

**ARTICLE IV - WASTEWATER SYSTEM**

**DIVISION I - DEFINITIONS**

**39-4-1**     **DEFINITIONS.**     Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**"GOVERNMENT, FEDERAL".**

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

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

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

**"GOVERNMENT, LOCAL".**

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

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

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

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

**"GOVERNMENT, STATE".**

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

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

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

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

**"WASTEWATER TYPES AND APPURTENANCES".**

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

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

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

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

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

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

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

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

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

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

**"TREATMENT":**

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

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

**"TYPES OF CHARGES":**

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

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

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

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

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

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

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

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

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

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

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

**"USER TYPES":**

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

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

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

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

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

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

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

**"WATERCOURSE AND CONNECTIONS":**

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

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

**"WASTEWATER AND ITS CHARACTERISTICS":**

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

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

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

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

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

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

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

contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

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

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

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

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

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

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

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

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

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

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

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

**(Ord. No. 92-3; 05-11-92)**

**39-4-2 - 39-4-3 RESERVED.**

**DIVISION II**

**USE OF PUBLIC WASTEWATERS REQUIRED**

**39-4-4**     **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

**39-4-5**     **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the Village, or in area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

**39-4-6**     **PRIVATE SYSTEM, UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**39-4-7**     **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

**(Ord. No. 92-3; 05-11-92)**

**39-4-8 - 39-4-9**   **RESERVED.**

**DIVISION III**

**PRIVATE SEWAGE DISPOSAL**

**39-4-10 PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 39-4-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

**39-4-11 HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the Village (**reference Appendix #3**) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **One Hundred Dollars (\$100.00)** shall be paid to the Village at the time the application is filed.

**39-4-12 PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the 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 **forty-eight (48) hours** of the receipt of written notice by the Superintendent.

**39-4-13 COMPLIANCE WITH STATE REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**39-4-14 AVAILABILITY OF PUBLIC WASTEWATER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 39-4-7**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**39-4-15     OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

**39-4-16     ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

**39-4-17     TIME CONSTRAINTS FOR PUBLIC WASTEWATER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**39-4-18 - 39-4-20     RESERVED.**

**DIVISION IV**

**BUILDING WASTEWATER AND CONNECTIONS**

**39-4-21 DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**39-4-22 COMPLIANCE WITH REGULATING AUTHORITIES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**39-4-23 CLASSES OF PERMITS.**

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

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

(B) In either case, the owner or his agent shall make applications on a special form furnished by the Village. **(See Appendix #4)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to **Section 39-1-3** of the Code.

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

**39-4-24 COST BORNE BY OWNER.** All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

**39-4-25 SEPARATE WASTEWATER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one

building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

**39-4-26 OLD BUILDING WASTEWATER.** Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

**39-4-27 CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches**. If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch or five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

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

- (A) Ductile iron pipe
- (B) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

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

**39-4-28 BUILDING SERVICE SEWER CODE REQUIREMENTS.** The size, slope, alignment, materials of construction of a building service 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 **Standard Specifications for Water and Sewer Main Construction in Illinois**.

**39-4-29 ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 39-4-22** and discharged to the building sewer.

**39-4-30 PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

**39-4-31 CONNECTIONS TO WASTEWATER MAINS.** Building Sewer connections with any sewer main shall be made only at main or other such junctions as may be provided or designated by the Village, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

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

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

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

**On Site Inspection.** After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Springfield Metro Sanitary District. After approval is granted the contractor shall encase the work area as specified herein.

**Backfill.** To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewer crossing any street, or traveled alley be cradled with IDOT gradation CA-6, backfilled with IDOT gradation FA-6 and the backfill mechanically compacted in **six (6) inch** lifts.

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

**39-4-32 CAPACITY OF WASTEWATER.** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer facilities, including sewer, pump stations and sewer treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**39-4-33 TAP-IN SUPERVISION AND TESTING.** The applicant for the building sewer permit shall notify the Springfield Metro Sanitary District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Springfield Metro Sanitary District.

At any time after the installation of the building sewer, the Springfield Metro Sanitary District may test the building sewer for violation of this Code.

**39-4-34 INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet Village's requirements.

**39-4-35 PUBLIC WASTEWATER CONNECTION.** The connection of the building service sewer into the public sewer shall conform to the requirements of the **Standard Specifications for Water and Sewer Main Construction in Illinois**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

**39-4-36**     **PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

**39-4-37**     **BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the Village, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

**39-4-38**     **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

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

**DIVISION V - EXTENSION OF COLLECTING WASTEWATERS**

**39-4-42**     **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, other than an authorized employee of the Village, shall make any connection with, uncover, alter or disturb a Village sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the Village, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any Village sewer, without first obtaining a written permit to do so from the Village. **(See Appendix #2)**

**39-4-43**     **EXTENSION PERMITS.** Issuance of sewer extension approvals shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of construction plans, specifications and any other information as may be required by the Village, SMSD and IEPA.

Construction plans and specifications shall be prepared by a licensed professional engineer in the State of Illinois and approval thereof must be obtained from the Village, SMSD and IEPA.

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

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

Sanitary sewer permits issued by IEPA typically expire **two (2) years** from the date of the permit. The applicant shall have **two (2) years** or the time frame as dictated by IEPA to construct the sanitary sewer. Any sewer not constructed prior to the date of expiration shall have a new application submitted, approved and a permit issued by IEPA prior to construction.

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

**39-4-44**     **MATERIALS.** All sewer extensions shall be constructed of the following materials:

(A) Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:

- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.

- (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.
- (B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and
  - (1) of comparable material to the sewer main for VCP and PVC pipe.
  - (2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

**39-4-45** **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the Village before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewer shall be subjected to:

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

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the Village 's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the Village. **(See Appendix #5)**

**39-4-46** **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

**39-4-47 - 39-4-48** **RESERVED.**

**DIVISION VI**

**USE OF PUBLIC WASTEWATER FACILITIES**

**39-4-49**     **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**39-4-50**     **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer, or natural outlet.

**39-4-51**     **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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

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

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

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

**39-4-52**     **HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of

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

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

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

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

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

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

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

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

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

(I) Materials which exert or cause:

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

- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. **(Reference Appendix #7)**

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

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

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

**39-4-53 HARMFUL WASTES; APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in **Section 39-4-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 39-4-42.**

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

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

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

**39-4-54 GREASE AND OIL 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.

**39-4-55 FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**39-4-56 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**39-4-57 INDUSTRIAL WASTE TESTING.**

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

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

**39-4-58 MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this

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

**39-4-59** **SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division I of this Code)**

**39-4-60 - 39-4-64** **RESERVED.**

**DIVISION VII**

**INSPECTIONS**

**39-4-65**     **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**39-4-66**     **INSPECTION AND TESTING.**

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

(B)           The 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 sewer or waterway or facilities for waste treatment. **(See Appendix #5)**

**39-4-67**     **LIABILITY OF VILLAGE.** While performing the necessary work on private properties referred to in **Section 39-4-66** above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 39-4-57.**

**39-4-68**     **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**39-4-69 - 39-4-70** **RESERVED.**

**DIVISION VIII – SEWER RATES**

**39-4-71 BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

**39-4-72 SEWER REVENUES.** All revenues and moneys derived from the operation of the sewer system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

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

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

**39-4-73 SEWER ACCOUNTS.** The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

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

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

- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

**39-4-74**     **NOTICE OF RATES.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

**39-4-75**     **ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant.

**39-4-76**     **APPEALS.** The method for computation of rates and service charges established for user charges shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

**DIVISION IX - PENALTIES**

**39-4-77** **PENALTY.** Any person found to be violating any provision of this Code except **Section 39-4-65** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

**39-4-78** **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 39-4-50** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**39-4-79** **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.

**(Ord. No. 92-3; 05-11-92 in part)**