

CHAPTER 38

UTILITIES

ARTICLE I - DEPARTMENTS ESTABLISHED

DIVISION I – WATER DEPARTMENT

38-1-1 **WATER DEPARTMENT ESTABLISHED.** There shall be a department of the City known as the **Waterworks Department.** It shall include the Water Superintendent and employees of the Department. The designated office shall be the City Hall.

38-1-2 **WATER AND WASTEWATER COMMITTEE.** The City Council standing committee on Water and Wastewater shall exercise a general supervision over the affairs of the Water and Wastewater Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 **WATER SUPERINTENDENT.** The Water Superintendent shall provide the leadership and direct management of the day-to-day operations of the Water Department of the City including the assignment of personnel duties, equipment, materials, provision of accurate and timely documentation of hours worked, and organization of materials and equipment used to perform daily Department activities. Typical responsibilities include but are not limited to: maintenance operation and repair of the City water pumping, storage and distribution systems. The position is subject to 24-hour availability, 7 days per week, including weekends and holidays and reports to the Mayor.

38-1-4 **DUTIES OF THE WATER SUPERINTENDENT.** Essential and other important duties and responsibilities of the Water Superintendent include, but are not limited to:

- (A) Responsible for ensuring the residents of the Gibson City are provided with safe, clean potable water and maintaining the City water systems.
- (B) Plan, prioritize, and review the work of the Water Department staff.
- (C) Effectively interact with the citizens of Gibson City in responding to requests for services.
- (D) Ensure that accurate and timely documentation of the hours worked, materials and equipment used to perform the daily activities is accomplished.
- (E) Ensure that the daily, weekly and monthly testing and reporting required by the United States and Illinois Department of Environmental Protection Agency are accurately performed, complied, prepared and submitted within the time limits established by the appropriate agencies.
- (F) Take immediate action to inform the City staff, residents, and the general public of any problems or situations that affect water quality.
- (G) Establish work schedules, productivity standards and methods for providing cost effective maintenance and repairs to the City water infrastructure.
- (H) Ensure compliance with City policies and procedures, state, federal laws and initiate required actions when violations are observed.
- (I) Review and evaluate the documentation of the daily work productivity records of the field personnel.
- (J) Prepare, review and evaluate analytical and statistical reports on the historical maintenance and conditions of the City water systems.
- (K) Evaluate and recommend needed training for field personnel and regular performance evaluation of field personnel within the Department implementing disciplinary action, when necessary, in compliance with City Personnel Policies, City Ordinances, and applicable law.

- (L) Identify, obtain and schedule resources required to meet or exceed the established service levels of the Department.
- (M) Ensure that all field personnel wear proper safety clothing and protective gear and that industry accepted safety standards and practices are adhered to and violations are corrected immediately.
- (N) Direct repairs and maintenance activities, if and when needed due to personnel shortages or based on complexity of needed repairs.
- (O) Identify opportunities for improvement of service delivery methods and procedures and review with appropriate management staff.
- (P) Review records of the water system, atlases, and assume responsibility for the inventory of supplies for the Department.
- (Q) Maintain and document the inventory of supplies for the Department and oversee activities concerning the ordering, procurement, and inventory of maintenance materials and supplies.
- (R) Prepare and develop the annual Department budget and supporting documentation. Forecast funding needed for staffing, equipment, materials, and supplies that are required to meet established service levels.
- (S) Participate and assist in the implementation of the goals and objectives of the City and participate in professional group meetings and activities in order to maintain a high level of competence in the latest trends and techniques in the public works industry.
- (T) Coordinate efforts with the Wastewater Department and all other City Departments.
- (U) Perform related duties and responsibilities as assigned by the Mayor.

(Ord. No. 2021-04; 06-01-21)

38-1-5 RESERVED.

DIVISION II – WASTEWATER DEPARTMENT

38-1-6 WASTEWATER DEPARTMENT ESTABLISHED. There is hereby established an executive department of the City known as the **Wastewater Department**. It shall include the Wastewater Superintendent and the employees of the Department. The designated office shall be the City Hall.

38-1-7 WASTEWATER SUPERINTENDENT. The Wastewater Superintendent shall provide the leadership and direct management of the day-to-day operations of the Wastewater Department of the City including the assignment of personnel duties, equipment, materials, provision of accurate and timely documentation of hours worked, and organization of materials and equipment used to perform daily Department activities. Typical responsibilities include, but are not limited to: maintenance operation, maintenance and repair of the City sanitary and storm wastewater distribution and process systems. The position is subject to 24-hour availability, 7 days per week, including weekends and holidays and reports to the Mayor.

38-1-8 DUTIES OF THE WASTEWATER SUPERINTENDENT. Essential and other important duties and responsibilities of the Wastewater Superintendent include, but are not limited to:

- (A) Responsible for ensuring the residents of the Gibson City are provided with safe, functional, and compliant sanitary and wastewater service.
- (B) Plan, prioritize, and review the work of the Wastewater Department staff.
- (C) Effectively interact with the citizens of Gibson City in responding to requests for services.

- (D) Ensure that accurate and timely documentation of the hours worked, materials and equipment used to perform the daily activities is accomplished.
- (E) Ensure that the daily, weekly and monthly testing and reporting required by the United States and Illinois Department of Environmental Protection Agency are accurately performed, complied, prepared and submitted within the time limits established by the appropriate agencies.
- (F) Take immediate action to inform the City staff, residents, and the general public of any problems or situations that affect wastewater and/or storm wastewater service.
- (G) Establish work schedules, productivity standards and methods for providing cost effective maintenance and repairs to the City wastewater and stormwater infrastructure.
- (H) Ensure compliance with City policies and procedures, state, federal laws and initiate required actions when violations are observed.
- (I) Review and evaluate the documentation of the daily work productivity records of the field personnel.
- (J) Prepare, review and evaluate analytical and statistical reports on the historical maintenance and conditions of the City water systems.
- (K) Evaluate and recommend needed training for field personnel and regular performance evaluation of field personnel within the Department implementing disciplinary action, when necessary, in compliance with City Personnel Policies, City Ordinances, and applicable law.
- (L) Identify, obtain and schedule resources required to meet or exceed the established service levels of the Department.
- (M) Ensure that all field personnel wear proper safety clothing and protective gear and that industry accepted safety standards and practices are adhered to and violations are corrected immediately.
- (N) Direct repairs and maintenance activities, if and when needed due to personnel shortages or based on complexity of needed repairs.
- (O) Identify opportunities for improvement of service delivery methods and procedures and review with appropriate management staff.
- (P) Review records of the wastewater system, stormwater system, atlases, and assume responsibility for the inventory of supplies for the Department.
- (Q) Maintain and document the inventory of supplies for the Department and oversee activities concerning the ordering, procurement, and inventory of maintenance materials and supplies.
- (R) Prepare and develop the annual Department budget and supporting documentation. Forecast funding needed for staffing, equipment, materials, and supplies that are required to meet established service levels.
- (S) Participate and assist in the implementation of the goals and objectives of the City and participate in professional group meetings and activities in order to maintain a high level of competence in the latest trends and techniques in the public works industry.
- (T) Coordinate efforts with the Water Department and all other City Departments.
- (U) Perform related duties and responsibilities as assigned by the Mayor.

(Ord. No. 2021-04; 06-01-21)

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

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

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

(C) Using Services Without Paying. Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) Destroying Property. Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) Service Obtained By Fraud. All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

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

(G) Request to Discontinue Service. Services shall have been deemed to have been supplied to any property connected to the Water and Sewer through the date specified by the customer or the date upon which service can be read or turned off, whichever is later. **(Ord. No. 06-19; 06-12-06)**

(H) Billing; Utility Shut-off.

(1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid within **twenty (20) days** after

the statement has been rendered, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services.

- (2) Any customer who fails to pay their utility bills within **twenty-five (25) days** of presentation shall have the utility services disconnected. The City shall send a penalty bill to all persons who are delinquent in their utility bills. Once that notice has been delivered to the last known address of the customer, the entire amount of the bill shall be due and owing and shall be paid within **five (5) days** of such delivery. If payment is not received by the City within **five (5) days**, service shall be discontinued (unless prior arrangements have been made), except that service will not be discontinued on a Saturday, Sunday or a legal holiday. Such discontinuance of service shall be in addition to, and not in lieu of, any other remedy for collection of such bill. **(Ord. No. 06-19; 06-12-06)**
- (3) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property utilizing the name and address appearing on the tax bill. **(Ord. No. 06-19; 06-12-06)**
- (4) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Twenty-Five Dollars (\$25.00)** for each connection of such utility services, plus expenses incurred in the reconnection of the utility services. The reconnection of services shall be done during "normal business hours" which are described in **Section 1-2-57(B)**. **(Ord. No. 06-19; 06-12-06)**
- (5) The customer has the option of requiring restoration of utilities during times other than normal business hours. Service to a customer for which utility services has been disconnected as described in paragraph (2) of this Section will be restored by the City during times other than "normal business hours" as described in **Section 1-2-57(B)** upon the customer making full payment of the delinquent bill plus of the off-time reconnection charge of **One Hundred Dollars (\$100.00)**. **(Ord. No. 06-19; 06-12-06)**

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the Administrative Assistant shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Administrative Assistant has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Administrative Assistant whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

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

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

The City Attorney is hereby authorized to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **ninety (90) days** after it has been rendered.

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

38-2-3 LIABILITY FOR CHARGES. The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City. The owner of the premises shall be notified whenever the City is required to shut off the utilities of a tenant for failure to pay the charges.

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

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

38-2-6 **UTILITY DEPOSITS.**

(A) **Water Deposit.** No person other than the owner of the premises for which service is supplied, shall be furnished or supplied with water service until such person has deposited with the Administrative Assistant the sum of **Seventy-Five Dollars (\$75.00)** as security for the payment of all water used by or water service furnished to such person upon such premises. For water service furnished to automobile service stations the amount of the deposit herein required shall be the sum of **Seventy-Five Dollars (\$75.00).** **(Ord. No. 03-18; 07-12-03)**

(B) **Sewer Deposit.** No person other than the owner of the premises, for which sewerage service is supplied and who does not use the water service of this City, shall be furnished or supplied with sewerage service until such person has deposited with the Administrative Assistant the sum of **Twenty-Five Dollars (\$25.00)** as security for the payment of all sewerage service furnished to such person upon the premises. The owner of premises to which sewerage service is supplied for the use of a tenant or an occupant thereof shall be liable for all unpaid bills for such service. **(Ord. No. 454; 05-09-72)**

(C) **Security for Payment - No Interest.** The deposits made under the provisions of this Section shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(D) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer services shall be made available to the premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the Administrative Assistant an amount sufficient to bring the deposit to the established rate of deposit.

38-2-7 **UTILITY BILL SETTLEMENTS.**

(A) **Settlement.** Water and sewer bills may be settled and compromised by the City where there has been a leak in the water line between the customer's structure and the meter. **(Ord. No. 475; 02-27-73)**

(B) **Same Charge Required.** The customer shall be required to pay the same charge on the sewer portion of his bill as was made in the preceding bi-monthly and the entire water portion of his bill for the present bi-monthly charge. **(Ord. No. 99-17)**

(C) **Proof of Leak Required.** The customer shall furnish to the City, within a reasonable time after receiving his bill, proof of the leak in the water line and that it has been repaired before such a settlement and compromise, as abovementioned, will be made on the customer's bill. **(Ord. No. 475; 02-27-73)**

(D) **Failure to Show Proof – Liability.** Failure of customer to furnish proof, as above required, constitutes a waiver to compromise and settle his bill and he shall remain liable for the entire bill for the period charged. **(Ord. No. 475; 02-27-73)**

38-2-8 OUTSIDE CONNECTIONS PROHIBITED. It is unlawful for any person to connect or cause to be connected, any City water supply line, any sewer line or storm water tile lines to serve any real estate located outside the corporate limits of the City, except where all of the owners of the real estate sought to be served by such City water lines, sewer lines or storm water lines have filed with the City a petition to annex the real estate affected to the City, or, in the event the real estate is not contiguous to corporate limits of the City, to enter into an agreement whereby the owners will petition for annexation of the affected real estate to the City at such time as same is contiguous or is included within a petition for annexation with other contiguous real estate. **(Ord. No. 402; 12-09-69)**

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

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

38-3-2 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Superintendent. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

38-3-3 INSPECTION: METERS AND VALVES.

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

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

(C) **Cut-Off Valves and Service Boxes.** All cut-off valves and service boxes are required to be installed in the street, alley or avenue, so far as practicable, adjacent to the premises served thereby.

38-3-4 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the

City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-5 **CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The City reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the City in case of fire, and for restricting the use of water in case of deficiency in supply. No claim shall be made against the City by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants, or other connections or repairing any part of the Water System, or from failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as shown above.

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

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

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

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

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

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

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed (with proper backflow prevention) at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent of the Water and Sewer Department. **(See also Sections 38-3-22 et seq.)**

38-3-10 FIRE HYDRANTS.

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

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

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

38-3-11 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

- (1) the washing of cars and other vehicles;
- (2) the sprinkling of lawns and shrubbery;
- (3) the watering of gardens;
- (4) other nonessential uses;

and it shall be unlawful for any person to so use water from the City supply during such an emergency.

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

38-3-13 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

38-3-14 USE OF WATER ON CONSUMER'S PREMISES. The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

38-3-15 REMOVAL OF METERS. All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-16 INSTALLING AND MAINTAINING SERVICE LINES. The user shall be responsible for installation and maintenance of service lines between the curb stop and the residence or business. Such service lines must be at least **three-fourths inch (3/4")** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

38-3-17 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY. The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-18 PRIVATE WATER SYSTEMS PROHIBITED. No person, business or entity having its residence or place of business within the territorial limits of the City shall be permitted to secure water for such residence, place of business or property located within the City otherwise than through the water mains of the City.

A restricted use permit may be granted by the City Council and said well installation be inspected by the City Superintendent, and said well have all necessary back flow prevention devices installed and inspected annually and said well shall not be connected by any fitting or fixture in any way to the City's water distribution system. **(Ord. No. 826; 01-22-96)**

38-3-19 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-20 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-21 RESERVED.

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-22 **APPROVED BACKFLOW DEVICE.** All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the 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.

[ED. NOTE: This Division is the law required to be adopted by the City as per the Illinois E.P.A.]

38-3-23 **CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-24 **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

38-3-25 **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the 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.

38-3-26 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The Administrative Assistant 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 Administrative Assistant.

(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.

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

38-3-28 - 38-3-30 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

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

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

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

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

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

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

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

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

“Agency” means Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 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.

38-3-35 WATER SYSTEM.

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

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

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

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

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

38-3-36 CROSS-CONNECTION PROHIBITED.

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

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

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

38-3-37 SURVEY AND INVESTIGATIONS.

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

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the

Superintendent for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

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

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

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

38-3-38 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention

device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

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

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent 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.

38-3-39 **TYPE OF PROTECTION REQUIRED.**

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

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

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

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

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-40 **BACKFLOW PREVENTION DEVICES.**

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

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

38-3-41 INSPECTION AND MAINTENANCE.

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

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

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-42 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-43 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 City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City 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 City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

38-3-44 - 38-3-52 RESERVED.

DIVISION IV - EXTENSION OF MAINS

38-3-53 **DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.** The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. **(See Chapter 34 for Design Requirements.) (See Section 38-2-8 for extension outside City.)**

38-3-54 **EASEMENTS.** Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-55 **SIZE AND TYPE.** The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

38-3-56 **TITLE.** Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-57 **MAINTENANCE AND REPLACEMENT.** The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

38-3-58 - 38-3-70 **RESERVED.**

DIVISION V – WELL SETBACK ZONE CODE

38-3-71 **PURPOSE.** Pursuant to the authority conferred by **Illinois Compiled Statutes, 1998, Ch. 65, Sec. 5/11-125-4; Illinois Compiled Statutes, 1998, Ch. 415, Secs. 5/14.2 and 5/14.3;** and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Code shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (**415 ILCS Sec. 5/14.2**) and this Code and the maximum setback zone established under Section 14.3 of the Act (**415 ILCS Sec. 5/14.3**) and this Code.

All property which (1) is owned by a municipality, and (2) lies outside the corporate limits of the municipality, and (3) does not lie within the corporate limits of any municipality, shall be subject to the ordinances, control, and jurisdiction of the municipality in all respects the same as the property owned by the municipality which lies within the corporate limits thereof.

38-3-72 **DEFINITIONS.** Except as stated in this Code, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Code shall be the same as those used in the Act and the Illinois Groundwater Protection Act (**415 ILCS Sec. 55/1 et seq.**):

"Act" means the Environmental Protection Act (**415 ILCS Sec. 5/1 et seq.**).

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Minimum Setback Zone" means the area around a community water supply well established under Section 14.2 of the Act and this Code. The City water wells each have been designated a **four hundred (400) foot** radius minimum setback zone. **[See Appendix A for map delineation which is on file at the City Hall.]**

"Maximum Setback Zone" means the area around a community water supply well established under Section 14.3 of the Act and this Code. For each water well used by the City the maximum setback zone is the area greater than **four hundred (400) foot** radius distance and less than or equal to **one thousand (1,000) foot** radius from each City water well. **[See Appendix A for map delineation which is on file at the City Hall.]**

38-3-73 **PROHIBITIONS.**

(A) Except as provided in **Section 38-3-74** and **38-3-75** of this Code, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(B) Except as provided in **Section 38-3-74** of this Code, no person shall place a new potential primary source within the maximum setback zone.

38-3-74 WAIVERS, EXCEPTION, AND CERTIFICATIONS OF MINIMAL HAZARD.

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-73(A)** of this Code.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-73(A)** of this Code.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-73(B)** of this Code.

(D) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certification of minimal hazard by the Agency, such owner shall not be subject to **Section 38-3-73(A)** of this Code to the same extent that such owner is not subject to Section 14.2(d) of the Act.

38-3-75 EXCLUSION. Section 38-3-73(A) of this Code shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

(Ord. No. 94-06; 08-22-94)

ARTICLE IV - UTILITY RATES

DIVISION I - GENERAL

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

38-4-2 **REVENUES.** All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Water and Sewage 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 City 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 City Council.

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 systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund and the Sewer Fund of the City". The Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65** and by the Investment Policy of the City. **(See Chapter I; Art. II)**

38-4-3 **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 water and the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

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

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

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

38-4-5 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's water and sewer systems 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 or Federal Grant.

38-4-6 APPEALS. The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within **seven (7) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-4-7 - 38-4-9 RESERVED.

DIVISION II - WATER CHARGES

38-4-10 **WATER RATES.** All water furnished, supplied and sold by the City shall be measured and registered by and through water meters and all charges for such water so furnished, supplied or sold shall fall due bi-monthly on each succeeding **September 5, November 5, January 5, March 5, May 5, and July 5**. The Administrative Assistant shall mail statements for the amount due on said respective dates to the person to whom or for whom such water was furnished, supplied or sold by the City. Effective **October 11, 2021** bi-monthly rates to be charged for water as measured and registered by and through meters as aforesaid, provided the same are paid on or before **twenty (20) days** after the mailing of such statement, shall be as follows: **(See Sec. 38-2-1)**

(A) **INSIDE CORPORATE LIMITS.**

Minimum Bi-Monthly Rate	\$18.75
First 100,000 gallons	\$ 3.01 per 1,000 gallons
Next 1,000,000 gallons	\$ 2.73 per 1,000 gallons
Next 3,000,000 gallons	\$ 2.26 per 1,000 gallons
Over 4,000,000 gallons	\$ 1.98 per 1,000 gallons

(See Section 38-2-1 for billing procedures.)

(B) **OUTSIDE CORPORATE LIMITS.**

Minimum Bi-Monthly Rate	\$20.31
First 100,000 gallons	\$ 4.51 per 1,000 gallons
Next 1,000,000 gallons	\$ 4.10 per 1,000 gallons
Next 3,000,000 gallons	\$ 3.39 per 1,000 gallons
Over 4,000,000 gallons	\$ 2.98 per 1,000 gallons

(C) Effective **October 11, 2021** the minimum rate for water service inside the City limits shall be **Eighteen Dollars Seventy-Five Cents (\$18.75)** bi-monthly plus applicable taxes and for water service outside the City limits the minimum rate for water service shall be **Twenty Dollars Thirty-One Cents (\$20.31)** bi-monthly plus applicable taxes.

(D) Effective **May 1, 2022** and on the first day of May of each calendar year thereafter, the base user charge (including the minimum bi-monthly rate) as established and referenced anywhere in this Article shall be increased to reflect a total increase of **four percent (4%)** in the amount of the base user charge over and above the amount of the base user charge in effect on the first day of April of that calendar year.

(Ord. No. 2021-14; 10-11-21)

38-4-11 **METERS.**

(A) **Separate Meter Required.** No water service shall be furnished to any customer unless such customer has a separate water meter and cut-off valve for the premises occupies by him alone and no water service shall be furnished to **two (2) customers** off of or through the same water meter or cut-off valve.

(B) **Location of Meter.** No water meter shall be installed in a crawl space. Placement of new water meters shall be done at the direction of the City Superintendent.

(C) **Inside Building Water Shut-Off Valves.** Wherever a water meter is installed inside any building, a shut-off valve shall be provided by the customer to be installed on each side of the meter.

(D) **Water Turn Off/On Service Charge.** Any time a water department employee is called out, outside of his normal working hours, days off, Saturdays and Sundays

or holidays to turn off or turn on a customer water service for a customer's convenience (non-emergency) a service charge of **Twenty-Five Dollars (\$25.00)** shall be charged to that customer for each call.

38-4-12 **INSTALLATION OF WATER SERVICE PIPE.** It is determined to be the policy of the City Council that future installations, for residential or commercial use of water meters and water service pipe from the City main to the building line of a specific user shall be paid for by the user.

(A) The price to be paid for the installation of service pipe including: (1) service saddle, (2) corporation stop (valve), (3) service pipe (1 inch minimum), and (4) curb stop (valve) will be cost of materials plus **ten percent (10%)** of that cost.

(B) The price to be paid for the water service connection shall be as follows: (the water service connection is per water meter with meter installation couplings, ball valve and dual check valve that is connected to a service line and is in addition to the service line cost) will be cost of materials plus **ten percent (10%)** of that cost.

three-quarter (3/4) inch meter	30 gpm
one (1) inch meter	50 gpm
one and one-half (1 ½) inch meter	100 gpm
two (2) inch meter	160 gpm

(D) With respect to the cost of installation and service connection of water service for manufacturing or similar industrial use, the City shall make such charges or provide for such refund as seems reasonable and for the best interests of the City, having in mind the desire of the City to aid in the location of new factories and industries here. **(Ord. No. 99-07; 05-10-99)**

(E) Installation requiring meter pits (up to the discretion of the Superintendent) the cost of such installation shall be all materials used plus **ten percent (10%)** of that cost.
(Ord. No. 19-05; 03-11-19)

38-4-13 - 38-4-15 RESERVED.

DIVISION III - WASTEWATER SERVICE CHARGES

38-4-16 **BI-MONTHLY RATES FOR SEWAGE SERVICE.** There shall be and there are established bi-monthly rates and charges for the use of and the service supplied by the sewerage system of the City, such rates and charges established being as follows:

(A) **Base User Rate.** The user rate shall be **Eight Dollars Fifty-One Cents (\$8.51)** bi-monthly, plus **Five Dollars Nineteen Cents (\$5.19)** per **one thousand (1,000) gallons** of water used, or where water consumption does not reflect the actual quantity of wastewater tributary to the wastewater treatment works, **Five Dollars Nineteen Cents (\$5.19)** per **one thousand (1,000) gallons** of wastewater as recorded in a control manhole required by **Section 38-5-56.**

The basic user rate shall be equal to the estimated and annual revenue required divided by the total annual wastewater contribution from users in thousands of gallons, where annual revenue required equals the estimated annual revenue required to retire the revenue bonds, plus the annual operation and maintenance costs, including replacement.

The City shall independently audit operation, maintenance, and debt service costs for the wastewater facilities and review user rates annually and revise such rates periodically to reflect actual treatment works operation and maintenance costs and the cost of debt services. **(Ord. No. 17-10; 07-24-17)**

(B) **Surcharge for Industrial Users.** When the average concentration of BOD and/or suspended solids exceeds **two hundred (200) mg/l** or **two hundred fifty (250) mg/l**, respectively, a surcharge shall be added to the base user rate. The surcharge shall be equal to the base rate times the number of **one thousand (1,000) gallons** used times the sum of:

- (1) The average BOD concentration less **two hundred (200) mg/l** divided by **two hundred (200) mg/l** times **twenty-nine hundredths (0.29)**; plus
- (2) The average suspended solids concentration less **two hundred fifty (250) mg/l** divided by **two hundred fifty (250) mg/l** times **twenty-five hundredths (0.25)**. BOD and suspended solids shall be as defined in **Section 38-5-1**, "Suspended Solids".

All measurements, tests and analyses of the characteristics of water and wastes to determine the industrial user surcharge factors shall be conducted in conformation with **Section 38-5-57.**

The foregoing bi-monthly rates and charges shall be applicable only for the use of and service supplied by the sewerage system of the City within the City. The bi-monthly rates to be charged all users of the sewerage system of the City outside the corporate limits of the City shall be **one and one-half (1 ½) times** the bi-monthly rates and charges as filed and established in subsections (A) and (B) of this Section.

All residential users of the sewerage system of the City within the City who do not use the water services of the City shall pay a service charge of **Forty-Three Dollars Sixty-Six Cents (\$43.66)** bi-monthly for each connection to the sewerage system of the City, and all residential users of the sewerage system outside the corporate limits of the City who do not use the water services of the City shall pay a service charge of **Sixty-Five Dollars Fifty Cents (\$65.50)** bi-monthly for each connection to the sewerage system of the City.

All commercial and industrial users of the sewerage system of the City who do not use the water services of the City shall be required to install a control manhole as required by **Section 38-5-56** equipped with a metering device approved by the Superintendent which records the total sewage flow for the purpose of determining the basis for user charges as provided by subsections (A) and (B) of this Section. **(Ord. No. 10-11; 08-23-10)**

38-4-17 DISCHARGE RESTRICTIONS.

(A) It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter. **(See Section 38-5-10)**

(B) A commercial entity shall dump wastewater only in an approved sanitary sewer "dump" site within the City, if it first obtains from the City Superintendent a permit to so dump. Such commercial dumps shall be subject to rates of **Twenty-Five Dollars (\$25.00)** for dumping up to **one thousand (1,000) gallons** of wastewater into the sewage system per single dump, and **Fifty Dollars (\$50.00)** for dumping up to **two thousand (2,000) gallons** of wastewater into the sewage system per single dump. There shall be no dumping in excess of **two thousand (2,000) gallons** of wastewater. **(Ord. No. 01-04; 03-26-01)**

ARTICLE V - SEWER SYSTEM

DIVISION I - DEFINITIONS

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

"GOVERNMENT, FEDERAL".

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

(B) **"Federal Act"** means the Federal 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 Sewage Works of the City 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 City to inspect and approve the installation of building sewers 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 Illinois.

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

"SEWER TYPES AND APPURTENANCES".

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

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

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

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

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

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

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

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

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

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

"TREATMENT":

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

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

"TYPES OF CHARGES":

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

(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) **"Sewerage Fund"** is the principal accounting designation for all revenues received in the operation of the sewerage 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) **"Wastewater Service Charge"** shall be the charge per quarter or bi-monthly levied on all users of the Wastewater 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 City representative to sample and/or measure discharges.

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

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

(D) **"User Class"** which only applies to the industrial cost recovery system, means the type of user, either "residential or commercial" or "industrial", as defined in "Residential or Commercial User" or "Industrial User", respectively.

(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 wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

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

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

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

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

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

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in 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 sewers, with no particle greater than **one half inch (1/2") (1.27 centimeters)** in any dimension.

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

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

(N) **"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 sewers and wastewater treatment facilities provided.

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

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

(Ord. No. 533; 01-14-75)

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

DIVISION II - USE OF PUBLIC SEWERS REQUIRED

38-5-4 **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

38-5-5 **DISCHARGE RESTRICTIONS.**

(A) It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(B) A commercial entity may only dump wastewater into any natural outlet within the City if it first obtains from the City Superintendent a permit to so dump. Such commercial dumps shall be subject to rates of **Twenty-Five Dollars (\$25.00)** for dumping up to **one thousand (1,000) gallons** of wastewater into the sewage system per single dump, and **Fifty Dollars (\$50.00)** for dumping up to **two thousand (2,000) gallons** of wastewater into the sewage system per single dump. There shall be no dumping in excess of **two thousand (2,000) gallons** of wastewater. **(Ord. No. 01-04; 03-26-01)**

38-5-6 **PRIVATE SYSTEM, UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-5-7 **CONNECTION TO SYSTEM REQUIRED.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary or combined sewer of the City, is 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 the public sewer is within **one hundred (100) feet** of the property line. However, no such notice shall be served unless and until the City Council determines, based upon facts submitted to it by the Superintendent, that the presently existing system located thereon, is either inadequate to properly handle such sanitary sewage or industrial wastes or is not functioning in a sanitary manner, or that waters or wastes are being discharged into the public sewers in violation of the provisions of **Division VI. (Ord. No. 451; 03-28-72)**

38-5-8 **TRANSFRER OF INFLOW SOURCES FROM COMBINED SEWERS TO STORM SEWERS.** Any inflow sources, i.e., foundation drains, downspouts, or other such sources which are connected to a combined sewer shall be disconnected from said combined sewer and connected to a separate storm sewer at such time as said storm sewer is made available to the property with the inflow source connection. The disconnection of the inflow source(s) shall be made within **one hundred eighty (180) days** after the issuance date of said notice from the City to property owner to make said disconnection. "Made available" shall be defined as a condition in which a separate storm sewer has been installed and made operational within a City right-of-way that is contiguous with said property. **(Ord. No. 04-03; 01-28-04)**

38-5-9 **RESERVED.**

DIVISION III

PRIVATE SEWAGE DISPOSAL

38-5-10 PRIVATE SEWAGE SYSTEM. Where a public sanitary sewer is not available under the provisions of **Section 38-5-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-5-11 HEALTH DEPARTMENT APPROVAL. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the City at the time the application is filed. **(Ord. No. 451; 03-28-72)**

38-5-12 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 **sixty (60) hours** of the receipt of written notice by the Superintendent. **(Ord. No. 451; 03-28-72)**

38-5-13 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 a size suitable for installation of an effective system. No septic tank or cesspool shall be permitted to discharge to any public sewer natural outlet.

38-5-14 AVAILABILITY OF PUBLIC SEWER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-12**, 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.

38-5-15 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 City.

38-5-16 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 or the State of Illinois.

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

(Ord. No. 451; 03-28-72)

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

DIVISION IV

BUILDING SEWERS AND CONNECTIONS

38-5-21 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.

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

38-5-23 BUILDING SEWER PERMIT CLASSES. There shall be **two (2)** classes of building sewer permits:

- (A) For residential and commercial service; and
- (B) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of **Two Hundred Fifty Dollars (\$250.00)** for a residential or commercial building sewer permit and **Two Hundred Fifty Dollars (\$250.00)** for an industrial building sewer permit shall be paid to the Administrative Assistant at the time the application is filed. **(Ord. No. 06-08; 04-10-06)**

38-5-24 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 City from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-5-25 SEPARATE SEWER: EXCEPTION. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The domestic waste connection, for all new buildings and when connected to a combined sewer, shall be constructed to handle only domestic waste from the building. All inflow sources, i.e., foundation drains, downspouts, or other such sources, shall be connected to a separate inflow connection. At such time as a separate storm sewer is made available to the property, the property owner shall disconnect the inflow connection from the combined sewer and connect it to the separate storm sewer, entirely at the expense of the property owner. **(Ord. No. 04-04; 01-28-04)**

38-5-26 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

38-5-27 CONSTRUCTION METHODS.

(A) **Gravity Sewers.** 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 sewer lateral (from the sewer main to the property line) be less than **six (6) inches** and the slope shall not be less than **one-eighth (1/8") 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. In no case shall the inside diameter of the building sewer be less than **four (4) inches** and the slope shall not be less than **one-quarter (1/4) inch** per foot. Installation shall be in accordance with **Standard Specifications for Water and Sewer Main Construction in Illinois.**

All building sewers shall be constructed of materials approved by the City. Generally all building sewers shall be constructed of the following materials:

- (1) Cast or ductile iron pipe
- (2) ABS solid wall plastic pipe
- (C) PVC solid wall plastic pipe SDR-35

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

(B) **Force/Pressure Sewers.** The materials and size of the sewer line must be compatible with the pump system installed, all must be approved by the Superintendent.

38-5-28 PLUMBING CODE REQUIREMENTS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

38-5-29 ELEVATION. Structures for which a building permit for initial construction is issued after **April 1, 2002**, with levels below grade which are provided with plumbing fixtures or drains, must have overhead discharge and no gravity discharge to the sewer system. No building sewer shall be laid parallel to any bearing wall if within **three (3) feet** of any wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with the properly curved pipe and fillings, unless the break in alignment is made at a manhole facilitating servicing.

38-5-30 PROHIBITED CONNECTIONS. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-5-31 CONNECTIONS TO SEWER MAINS. Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, 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 City 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 Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

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

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

38-5-32 CAPACITY OF SEWER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-33 TAP-IN SUPERVISION AND TESTING. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

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

38-5-34 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 City's requirements.

38-5-35 PUBLIC SEWER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

38-5-36 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 City.

38-5-37 BOND REQUIRED. If the applicant for the building sewer permit does not have a general bond on file with the City, 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.

Any experienced sewer builder or drain layer may furnish to the City a continuing surety bond in the sum of **Five Thousand Dollars (\$5,000.00)** to apply to all building sewer permits issued to such builder or to the principals thereof for a term of **one (1) year** from the date thereof subject to renewal from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

Home owners wishing to install their own building services are not required to post a bond. Any person performing building sewer work for hire shall post the bond.

38-5-38 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.

38-5-39 INFLOW CONTRIBUTIONS TO COMBINED SEWERS. The construction of any new buildings or developments that are to be tributary to the combined sewer system shall be designed to minimize and/or delay any inflow contribution to the combined sewer system. **(Ord. No. 04-02; 01-26-04)**

38-5-40 - 38-5-41 RESERVED.

DIVISION V - EXTENSION OF COLLECTING SEWERS

38-5-42 **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, other than an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

38-5-43 **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City 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 City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

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

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewers not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

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

38-5-44 **MATERIALS.** All sewer extensions shall be constructed of the following materials:

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

- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
- (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.

(B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and

- (1) of comparable material to the sewer main for VCP and PVC pipe.
- (2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-5-45 **INSPECTIONS OF CONSTRUCTION.** Construction of the sewers 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 City 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 sewers 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 City, air pressure testing with allowance to be specified by the City.

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 City'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 City.

38-5-46 **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-5-47 - 38-5-48 **RESERVED.**

DIVISION VI

USE OF PUBLIC WASTEWATER FACILITIES

38-5-49 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.

38-5-50 STORM WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

38-5-51 REGULATIONS OF WASTES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of **two (2) mg/l** as cyanide in the wastes as discharged to the public sewer.

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

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

38-5-52 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 sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a

nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. 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 Superintendent.

(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 Superintendent for such materials. **(See Appendix "A")**

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

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

(I) Materials which exert or cause:

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

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

(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 City in compliance with applicable State and Federal regulations.

The Superintendent is authorized to assure that impacts on water quality from discharges from combined sewer overflows that receive non-domestic waste are to be minimized. The Superintendent is further authorized to determine which non-domestic wastewater discharges are tributary to any combined sewer overflows and City may, at its discretion, review and modify these provisions to control pollutants sourced from said combined sewer overflows. **(Ord. No. 04-05; 01-26-04)**

38-5-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-52** 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 38-4-16.**

(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 City shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all wastewater be discharged through a single control manhole or structure with appurtenances described herein.

38-5-54 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. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place shall be gas-tight and water-tight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. **(Ord. No. 451; 03-28-72)**

38-5-55 MAINTENANCE OF FLOW-EQUALIZING FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-56 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.

38-5-57 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 City or regulatory agencies having jurisdiction over the discharge.

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

38-5-58 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 provided the Superintendent shall be permitted to take samples within the premises of the user, including lagoons, ponds, and other places. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-5-59 SPECIAL ARRANGEMENTS. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division III of this Code)**

38-5-60 PRE-TREATMENT.
(A) **Pre-Treatment for Compatible Pollutant Removal Not Required.** Except as required by **Sections 38-5-51(C)** and **38-5-52(K)**, pre-treatment for removal of compatible pollutants is not required. **(Ord. No. 533; 01-14-75)**

(B) **Standard for Incompatible Pollutant Removal.** In addition to the prohibitions set forth in **Sections 38-5-51** and **38-5-52**, the pre-treatment standard for incompatible pollutants introduced into a treatment works by a major contributing industry shall be that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Sections 301(b) and 304(b) of the Act. Compliance with pre-treatment standards shall be as provided for by the Act and subsequent rules and regulations as promulgated by the Administrator. **(Ord. No. 533; 01-14-75)**

38-5-61 - 38-5-64 RESERVED.

DIVISION VII

INSPECTIONS

38-5-65 **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.

38-5-66 **INSPECTION AND TESTING.**

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

(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 sewers or waterway or facilities for waste treatment.

38-5-67 **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-5-66** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-56.**

38-5-68 **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-5-69 - 38-5-70 **RESERVED.**

DIVISION VIII – INDUSTRIAL COST RECOVERY

38-5-71 WASTEWATER TREATMENT PAYMENT – REQUIRED. Each industrial user shall pay that portion of any Federal grant, such grant obtained by the City for the financing of the construction of wastewater treatment works, allocable to the treatment of the wastewater from such user as required by Section 204(b) of the Act and subsequent rules, regulations and guidelines. **(Ord. No. 533; 01-14-75)**

38-5-72 WASTEWATER TREATMENT PAYMENT – AMOUNT DETERMINATIONS. An industrial user's portion of any Federal grant shall be based on the population equivalent attributable to wastewater of such user tributary to the wastewater treatment works of the City.

The population equivalent shall be determined by one of the following calculations, whichever produces the largest value:

(A) The average daily rate of water consumption as determined by the consumption records of the past year divided by **one hundred (100) gallons** per day, or, where water consumption does not reflect the actual quantity of wastewater tributary to the treatment works from such user, then the average daily flow as recorded in the control manhole required by **Section 38-5-56** divided by **one hundred (100) gallons** per day;

(B) The average daily pounds of **five (5) day** biochemical oxygen demand (BOD) in the wastewater as determined by the Superintendent in accordance with **Section 38-5-58** divided by **seventeen hundredths (0.17) pounds** of BOD per day;

(C) The average daily pounds of suspended solids in the wastewater from such user as determined by the Superintendent in accordance with **Section 38-5-58** divided by **twenty hundredths (0.20) pounds** of suspended solids per day. **(Ord. No. 533; 01-14-75)**

38-5-73 WASTEWATER TREATMENT PAYMENT – COST PER POPULATION EQUIVALENT. The dollar cost per population equivalent shall be equal to the total Federal grant amount divided by the design population equivalent of the wastewater treatment works. The cost per population equivalent shall be **Two Hundred Ten Dollars Thirty-Two Cents (\$210.32)**. **(Ord. No. 533; 01-14-75)**

38-5-74 WASTEWATER TREATMENT PAYMENT – AMOUNT. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the dollar cost per population equivalent times the population equivalent determined by **Section 38-5-72** for such industry divided by the recovery period. Where an industry is connected to a public sewer after the start-up of the facilities constructed under a Federal grant, such industry

shall only pay its portion of the Federal grant for each quarter remaining in the recovery period. Such industry will not be required to pay for those bi-monthly billings of the recovery period prior to connection to a public sewer. **(Ord. No. 589; 01-25-77)**

38-5-75 **RECOVERY PERIOD.** The industrial cost recovery period shall be equal to the useful life of the treatment works. **(Ord. No. 533; 01-14-75)**

38-5-76 **PAYMENT PERIODS.** For the purpose of industrial cost recovery, the calendar year shall be divided into bi-monthly periods; said periods to begin on the first days of March, May, July, September, November and January, and all industrial users of the City shall pay the costs as determined by **Section 38-5-74** for industrial cost recovery and such payments shall be made in equal amounts quarterly on the first day of the month immediately following the expiration of the bi-monthly period for which service has been supplied, and such charge shall be payable within **ten (10) days** after rendition thereof, and in the event such bills are not paid within said **ten (10) days**, a service charge of **ten percent (10%)** shall be added thereto. **(Ord. No. 589; 01-25-77)**

38-5-77 **SERVICE CHARGE DELINQUENCIES – ACTION.** In the event the charges for industrial cost recovery are not paid within **twenty (20) days** after the rendition of that bill, then such service charges shall be deemed and are declared to be delinquent, and thereafter such delinquent charge shall constitute a lien upon the real estate for which such sewer services were supplied. The Administrative Assistant is authorized and directed each quarter to file sworn statements showing such delinquencies in the office of the County Recorder of Deeds, and the filing of such statements shall be deemed notice of a lien for the payment of such charges for sewer service. If the delinquency in the payment of the recovery cost continues for a period of more than **twenty (20) days**, the sewer service shall be discontinued. **(Ord. No. 533; 01-14-75)**

38-5-78 **INITIAL PAYMENT.** The initial payment made by any industrial user which is connected to a public sewer after the start-up of the treatment works constructed with a Federal grant shall be made by the next scheduled due date as defined in **Section 38-5-76** and shall be equal to **one-quarter (1/4)** of the amount as determined by **Section 38-5-74**. **(Ord. No. 533; 01-14-75)**

38-5-79 **CHARGE ADJUSTMENTS.** If there is a change in the strength and/or volume introduced into the treatment works by an industrial user as determined by the previous year's records, the City may adjust the user's portion of any Federal grant accordingly. Such change shall be as determined by **Sections 38-5-72 and 38-5-88**. **(Ord. No. 533; 01-14-75)**

38-5-80 CHARGE ADJUSTMENT FOR FACILITIES IMPROVEMENTS.

If there is an expansion or upgrading of the treatment works utilizing a Federal grant, each existing industrial user's share shall be adjusted accordingly. **(Ord. No. 533; 01-14-75)**

38-5-81 WASTEWATER TREATMENT PAYMENT – UNUSED OR UNRESERVED CAPACITY EXEMPT. An industrial user's portion of any Federal grant shall not include any portion of the grant amount allocable to unused or unreserved capacity. **(Ord. No. 533; 01-14-75)**

38-5-82 PROVISION FOR INCREASED USE. An industrial user's portion of any Federal grant shall include any firm commitment to the City of increased use by such user. **(Ord. No. 533; 01-14-75)**

38-5-83 CITY'S DISPOSITION OF COST RECOVERIES. The City shall retain **fifty percent (50%)** of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis. **(Ord. No. 533; 01-14-75)**

38-5-84 MONEY'S USE FOR EXPANSION OR RECONSTRUCTION. Eighty percent (80%) of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs (in accordance with Title 40 CFR 35,940) of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The City shall obtain the written approval of the Regional Administrator prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used for such expenditures as the City deems appropriate. **(Ord. No. 533; 01-14-75)**

38-5-85 RECONSTRUCTION AND EXPANSION MONEYS – INVESTMENT. Pending use, the City shall invest the retained amounts for reconstruction and expansion in U.S. Treasury bonds, U.S. Treasury bills or U.S. Treasury notes, whichever has the highest interest rate at the time of investment. **(Ord. No. 533; 01-14-75)**

38-5-86 RECORDS AND AUDIT. The Administrative Assistant shall maintain the necessary records for determination of the user's share of the cost and shall provide the billing and collection services as required by **Sections 38-5-72 and 38-5-76**. The City shall independently audit the industrial cost recovery system annually and shall maintain all records for the duration of the cost recovery period. **(Ord. No. 533; 01-14-75)**

38-5-87 TREASURER'S DUTIES. The City Treasurer shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery in accordance with **Sections 38-5-83, 38-5-84 and 38-5-85. (Ord. No. 533; 01-14-75)**

38-5-88 INDUSTRIAL DISCHARGE MONITORING. The Superintendent shall maintain a program of monitoring industrial user discharges as the Superintendent deems necessary, provided that any major contributing industry shall be monitored no less than **twelve (12) times** annually and any industrial user that has a population equivalent as determined by **Section 38-5-72** greater than or equal to **fifty (50)** shall be monitored no less than once annually. All the industrial users shall be monitored at such frequency as deemed necessary by the Superintendent. Monitoring shall consist of taking and testing of grab samples of **twenty-four (24) hour** composite samples as deemed necessary by the Superintendent for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent in accordance with **Section 38-5-72. (Ord. No. 533; 01-14-75)**

38-5-89 - 38-5-90 RESERVED.

**DIVISION IX – GUIDELINES FOR APPLICATION OF USER CHARGE
AND INDUSTRIAL COST RECOVERY**

38-5-91 INDUSTRIAL COST RECOVERY.

(A) New User. When a connection permit is issued for a new user the following procedure should be used to determine the user class:

- (1) Determine prime activity of user in relation to groups in the Standard Industrial Classification Manual and assign the appropriate group number. If user is not in Divisions A, B, D, E or I, the user is non-industrial.

EXAMPLES:

<u>ACTIVITY</u>	<u>DIVISION</u>	<u>GROUP NO.</u>
Restaurant	Retail Trade G	5812
Dry Cleaner	Services I	1056
Apparel Factory	Manufacturing D	2381
Food Processing	Manufacturing D	2031

- (2) Determine whether the wastewater to be discharged is normal domestic wastes or process wastes. Cooking water is a process waste. As a guide, water use in excess of **ten (10) to twenty (20) gallons** per employee per day would be considered process waste. Those users which are determined to discharge only normal domestic waste even though they are classified in Divisions A, B, D, E, or I may be eliminated from the industrial user class. Normal domestic waste would contain only those waste products normally generated in the home, i.e., water used in washing, preparing food and transporting urine and feces, etc.

(B) Determination of the recovery amounts for the first year would be as follows:

- (1) Estimate the water use and waste strength in mg/l of BOD and suspended solids. For a high waste-producing industry obtain concurrence of this estimate by a consulting engineer and the industry;
- (2) Use the following equations to obtain **three (3)** population equivalents (PE):

$$PE_{BOD} = (\text{mg/l}) (BOD_5) \times (\text{estimated avg. daily water usage in gallons}) \times 8.34$$

$$PE_{SS} = \frac{(\text{mg/l suspended solids}) \times (\text{estimated avg. daily water usage in gallons}) \times 8.34}{0.20 \times 1,000,000}$$

$$PE_Q = \frac{\text{(estimated avg. daily water usage in gallons)}}{100 \text{ gallons}}$$

(C) The highest of the above values is the PE discharged by the industry.

(D) The bi-monthly charge would be the highest of the above-calculated values times **Two Hundred Ten Dollars Thirty-Two Cents (\$210.32)** divided by **one hundred eighty (180) quarters** or **One Dollar Sixteen and Eight-Tenths Cents (\$1.168)** per PE bi-monthly.

(E) After the first year's records are obtained, recalculate items (B), (C) and (D) above to determine the next year's recovery amount. Depending on the monitoring frequency, this adjustment may be made more frequently.

(F) A user may be reclassified from the industrial to the non-industrial class for the following reasons:

- (1) Cooling water is no longer discharged to the sewer system.
- (2) The industry treats all wastewaters except normal domestic wastes and discharges only normal domestic waste to the sewerage system. (A user may be reclassified for the opposite occurrence.)

(Ord. No. 533; 01-14-75)

38-5-92 USER CHARGE – SURCHARGE. The following is the procedure for determining a user surcharge:

(A) Obtain representative BOD₅ and suspended solids concentrations in the waste. This may require **twenty-four (24) hour** composite sampling for **one (1)** or more days.

(B) BOD₅ surcharge equals:

$$\frac{(BOD_5 - 200)}{200} \times 0.29 \times \text{Number of 1,000 gallons used} \times \text{Base Rate}$$

(C) Suspended solids (SS) surcharge equals:

$$\frac{(SS - 250)}{250} \times 0.25 \times \text{Number of 1,000 gallons used} \times \text{Base Rate}$$

(D) The above surcharges are added bi-monthly to the base user charge.

EXAMPLE: Industry discharges **one hundred fifty thousand (150,000) gallons** of wastewater last bi-monthly with an average BOD₅ of **three hundred (300) mg/l** and an average suspended solids of **two hundred sixty (260) mg/l**.

$$\text{BOD surcharge} = \frac{300 - 200}{200} \times 0.29 \times 150 \times \$0.90 = \$19.58$$

$$\text{Suspended Solids surcharge} = \frac{260 - 250}{250} \times 0.25 \times 150 \times \$0.90 = \underline{1.67}$$

Total Surcharge		\$21.25	
Base Charge	Fixed Fee	1.40	
	Rate \$0.90 x 150	<u>135.00</u>	
Total base charges			\$136.40
Total bi-monthly bill			\$157.65
(Ord. No. 589; 01-25-77)			

38-5-93

RESERVED.

DIVISION X – USE OF POTABLE WATER SUPPLY WELLS

38-5-94 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. The use or attempted use of groundwater as a potable water supply from within the area shown on Exhibit A, a copy of such being attached hereto and made a part hereof, by the installation of wells or by any other method, is hereby prohibited. This prohibition expressly applies to the City of Gibson City.

38-5-95 PENALTIES. Any person violating the provisions of this Division shall be subject to a fine of not less than **Seventy-Five Dollars (\$75.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation.

38-5-96 DEFINITIONS.

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

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

(Ord. No. 20-10; 07-27-20)

DIVISION XI - PENALTIES

38-5-97 **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-5-65** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

38-5-98 **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-94** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-99 **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<u>Waste or Chemical</u>	<u>Concentration mg/l</u>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150°F. (65°C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

PRIVATE SEWAGE DISPOSAL APPLICATION

A. The undersigned, being the _____ of the property located
at _____ (owner, owner's agent)
(Number) (Street) does hereby request a permit to install sanitary sewage
disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [_____] square feet or [_____] square meters.
3. The name and address of the person or firm who will perform the work is _____
4. The maximum number of persons to be served by the proposed facilities is _____
5. The location and nature of all sources of private or public water supply within **two hundred feet (200') [61 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the City.
2. To accept and abide by all provisions of the **City Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the City and at no expense to the City.
4. To notify the City **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, _____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

-
(CERTIFICATION BY CITY TREASURER)

\$_____ (Inspection Fee Paid) DATE: _____, _____
\$_____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

-
(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, _____ SIGNED: _____
(ADMINISTRATIVE ASSISTANT)

-

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to install and connect a building
(Number) (Street)
sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>NUMBER</u>	<u>FIXTURE</u>	<u>NUMBER</u>	<u>FIXTURE</u>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

- 2. The maximum number of persons who will use the above fixtures is _____.
- 3. The name and address of the person or firm who will perform the proposed work is _____
- 4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

- 1. To accept and abide by all provisions of the **City Code**, and of all other pertinent ordinances and codes that may be adopted in the future.
- 2. To maintain the building sewer at no expense to the City.
- 3. To notify the City when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, _____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

-
(CERTIFICATION BY CITY TREASURER)

\$_____ (Inspection Fee Paid) DATE: _____, _____
\$_____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

-
(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, _____ SIGNED: _____
(ADMINISTRATIVE ASSISTANT)

-

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to _____
(Number) (Street) (install, use)
an industrial sewer connection serving the _____ which company is engaged in
_____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A"**.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B"**.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C"**.
4. The name and address of the person or firm who will perform the work covered by this permit is _____

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the City.
2. To accept and abide by all provisions of the **City Code**, and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the City.
4. To cooperate at all times with the City and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the City immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____, _____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

-
(CERTIFICATION BY CITY TREASURER)

\$ _____ (Inspection Fee Paid) DATE: _____, _____
\$ _____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

-
(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, _____ SIGNED: _____
(ADMINISTRATIVE ASSISTANT)

-

APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for connection to the Water System of the City for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or enacted and passed from time to time providing for the regulation of service furnished by the City, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable within **fifteen (15) days** following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____

(STREET NUMBER AND NAME OF STREET)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(_____)
(NAME)

(_____)
(STREET NUMBER AND NAME OF STREET)

(_____)
(CITY, STATE AND ZIP CODE)

APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the City. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable within **ten (10) days** following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

(APPLICANT'S SIGNATURE)

(STREET NUMBER AND NAME OF STREET)

(OWNER'S SIGNATURE, IF NOT APPLICANT)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(

(NAME)
(

(STREET NUMBER AND NAME OF STREET)
(

(CITY, STATE AND ZIP CODE)

R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the City is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **City**.

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. The wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

DATE: _____

ADDRESS: _____

OWNER(S): _____

**CITY OF GIBSON CITY
COUNTY OF FORD**

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the City Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this City.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

- _____ Single-Family Residence
- _____ Multiple dwelling or trailer court
- _____ Commercial
- _____ Industrial
- _____ Institutional
- _____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, _____.

**CITY OF GIBSON CITY
COUNTY OF FORD**

SIGNED: _____

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **City of Gibson City, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of \$_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid \$_____.
- (B) Engineering and Inspection Charge \$_____.
- (C) TOTAL: \$_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Administrative Assistant.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

**UTILITY DEPARTMENT
CITY OF GIBSON CITY, ILLINOIS**

BY: _____

ATTEST:

MAYOR

ADMINISTRATIVE ASSISTANT

APPLICANT/DEPOSITOR

WITNESSES:

UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: _____

ADDRESS: _____

TOTAL AMOUNT OF BILL: \$ _____ WATER

 \$ _____ SEWER

 \$ _____ OTHER

SUB-TOTAL: \$ _____

PENALTY: \$ _____

TOTAL DUE: \$ _____

DATE OF HEARING _____

TIME OF HEARING _____

LOCATION OF HEARING _____

PHONE: _____

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and Administrative Assistant, or their designated representative(s), shall preside at the hearing.

ADMINISTRATIVE ASSISTANT

DATED THIS _____ DAY OF _____, ____.

NOTE: After services have been shut off there will be a reconnection fee of \$ _____.