

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the **Water and Wastewater Department**. It shall include the Water and Wastewater Superintendent and employees of the Department. The designated office shall be the Water Plant.

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

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

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

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

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

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

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

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

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 wastewater services from the water and wastewater system and every person, company or corporation, hereinafter called a "**customer**" who accepts and uses Village water and wastewater services shall be held to have consented to be bound thereby.

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

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

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the water system and wastewater 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 wastewater 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 Village and credited to the appropriate account.

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

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Wastewater Systems during a month unless the customer notifies the Village.

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

(1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid by the **twenty-fifth (25th) day** of the month, 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 the utility bills by the **twenty-fifth (25th) day** of presentation shall have the utility services disconnected after a written notice by the Office Manager has been mailed by first-class mail to the customer. The aforesaid notice shall be mailed to the customer specifically advising the customer of the following:
 - (a) Name and address of the customer and amount of the bill.
 - (b) Service will be shut off by the **tenth (10th) day** of the following month with no notification, if the bill has not been paid. To have service reinstated, there will be a **Forty Dollar (\$40.00)** turn on fee, plus a deposit of a **twelve (12) month** period average amount of water bills. If there is an unusual circumstance, a notification shall be given to the Water Office by the **fifth (5th) day** of the following month that it is due. There will be a charge of **Twenty-Five Dollars (\$25.00)** for NSF checks. **(Ord. No. 09-01; 01-08-09)**
- (3) 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 **Forty Dollars (\$40.00)** for each connection of such utility services.

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered and when directed by the Committee, the Office Manager 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 Treasurer has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Office Manager whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered and when directed by the Committee.

The failure of the Office Manager 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 Village.

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

38-2-2 **CONSUMER LISTS.** It is hereby made the duty of the Office Manager 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.

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 Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village.

38-2-4 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Office Manager 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 Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

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

(A) **Property Owner.** A Utility deposit of **Fifty Dollars (\$50.00)** shall be paid to the Office Manager by any applicant who is not the record owner of the property, before any water will be turned on to any premises. The deposit shall be retained by the Village until the user discontinues water use from the Village at which time the deposit will be returned to the user, provided however, that said user shall have a good payment record, making all monthly payments timely.

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the Village as security for the payment of utility services used by the applicant upon the premises to which his 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.

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water services shall be made available to the tenant-occupied 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 Village Clerk an amount sufficient to bring the deposit to the established rate of deposit.

(D) **Vacant Rentals.** When a rental property is vacant, the water and wastewater services shall be put in the owner's name automatically by the Office Manager.

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 Water System of the Village shall file a written application at the Water Office, 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. All meters shall be remote readout type in a basement or utility room. No meters shall be in a crawl space.

38-3-3 INSPECTION.

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

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

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

38-3-5 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present Village Water System and all use or service of the system shall be upon the express

condition that the Village will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Water System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

38-3-6 RESALE. No water shall be resold or distributed by the recipient or consumer thereof from the Village 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 Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-8 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 Village.

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

38-3-9 WATER FOR BUILDING OR CONSTRUCTION PURPOSES. Applicants desiring to use water from the Village Water System for building or construction purposes shall make application therefor to the Superintendent of the Water and Wastewater Department on a form provided by the Water and Wastewater Department for that purpose.

38-3-10 FIRE HYDRANTS.
(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the Village Limits, shall be owned, maintained and used only by the Village and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the Village and after approved application to the Village.

(B) The Village shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the Village 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 Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village 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 Village 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 Village water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

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

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

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

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

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

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

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

38-3-16 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.

38-3-17 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby.

38-3-18 INSTALLING AND MAINTAINING SERVICE LINES. The user shall be responsible for installation and maintenance of service lines between the meter or 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), or **one (1) inch** polyethylene. 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.

38-3-19 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND VILLAGE. The Village shall maintain and repair all water service pipes between the water mains and the curb stop or meter pits. Any repairs to service lines or taps between the water mains and the curb stop or meter pit line shall be the Village 's expense. Any repairs or renewals of water service pipes between the curb stop or meter pit and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-20 VILLAGE NOT LIABLE FOR INTERRUPTION OF SUPPLY. The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The Village shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

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

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any Village street improvements, the Village will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

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

38-3-21 TAMPERING WITH WATER DEPARTMENT EQUIPMENT. No unauthorized person shall enter a meter pit and tamper with the meter or shut off, tamper with a curb stop or inside meter and its components. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. **(See 38-2-1(D))**

38-3-22 - 38-3-29RESERVED.

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-30 APPROVED BACKFLOW DEVICE. All plumbing installed within the Village of Fisher shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Environmental Protection Agency and local regulations.

38-3-31 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Fisher may enter the supply or distribution system of said municipality, 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 of Water and the Illinois Environmental Protection Agency.

38-3-32 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 as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-33 RIGHT TO ENTER PREMISES. The 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 of the Village of Fisher for the purpose of verifying the presence or absence of cross-connections, and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Fisher for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this Chapter.

38-3-34 NOTICE TO CUSTOMER; RECONNECT FEE.
 (A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in

violation of the provisions of this Chapter is deemed 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 **Forty Dollars (\$40.00)** is paid to the Village of Fisher.

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

(C) Neither the Village of Fisher, the Superintendent or its agents or assigns shall be liable to any customer 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 Chapter, whether or not said termination was with or without notice.

38-3-35 **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.

38-3-36 **LICENSED PLUMBERS NOT REQUIRED.** Pursuant to **225 ILCS Sec. 320/13**, nothing in this Article shall be construed so as to require the Village of Fisher to have licensed plumbers to operate, maintain or repair its water or wastewater plant facility, or to require its employees who install, repair or maintain water service lines from water mains in the street, alley or curb line to private property lines and who install, repair or maintain water meters to be licensed plumbers since such work was customarily performed prior to **September 26, 1983** by employees of the Village who were not licensed plumbers.

38-3-37 - 38-3-52 **RESERVED.**

DIVISION III - EXTENSION OF MAINS

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

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

38-3-55 **SIZE AND TYPE.** The Village reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The Village further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the Village will pay the difference in cost. **(See Section 38-5-59)**

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

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

38-3-58 **SUBDIVISION CODE COMPLIANCE.** All extensions for a new subdivision shall conform to the Subdivision Code in **Chapter 34.**

DIVISION IV – WATER DISTRIBUTION SYSTEM

38-3-59 DESIGN. All design criteria shall conform with the current "Standard Specifications for Water and Sewer Main Construction in Illinois", except for the following items:

(A) Water main sizes will be a minimum of at least **six (6) inches** in diameter or larger. All requirements for mains larger than **six (6) inches** will depend on such factors as demand and pressure requirements and future expansion of the municipal system.

(B) All layouts of water mains shall be looped except cul-de-sacs. Cul-de-sacs shall have a fire hydrant at the end for flushing and fire-fighting purposes. The mains shall be valved to permit shutting off of service to only a small number of connections for repairs or maintenance. Preferably, disruption of service should be limited to **one (1) block**.

(C) Fire hydrants shall be installed throughout the entire distribution system. The hydrant spacing shall provide for hose lines to exceeding **three hundred fifty (350) feet** to a house or a **five hundred (500) foot** interval between hydrants along the street.

(D) Valves shall be uniformly located in some standard area such as a street or curb line to facilitate their location.

(E) All fire hydrants shall be equipped with an auxiliary valve located between the main and the hydrant.

(F) All hydrant leads shall be a minimum of **four (4) inch** diameter.

(G) A valve box, with its cover at the finished grade, shall always be placed over a buried valve.

(H) All service connections shall be supplied with corporate stops, and line to a curb stop and box with a **three (3) foot** capped extension past the curb stop.

(I) Minimum cover for mains and services shall be **forty-two (42) inches**.

38-3-60 REQUIRED MATERIALS. The materials shall be as follows:

(A) All mains shall be PVC SDR-26 160 lb. rating or better.

(B) All corporation stops, curb stops, and fitting shall be fabricated of brass and of the compression type. The exception to this is on PVC pipe where a Dresser type coupling may be used to make the tap.

(C) All curb stop boxes shall be of the Buffol Pattern, and labeled "Water".

(D) All service lines shall be black polyethylene copper tube size or type K soft copper tubing with at least a **one hundred sixty (160) psi** rating.

(E) All fire hydrants shall be dry barrel type designed for **one hundred fifty (150) psi** working pressure conforming to AWWA C502. Hydrants shall be of the latest stock pattern produced by the manufacture and open counter clockwise. Hydrants shall be as follows:

(1) Mueller Centurion; or

(2) A similar type approved by the Water Superintendent.

(F) All water mains shall be bedded and backfilled with sand to a depth of at least **one (1) foot** above the main.

(G) All meters shall have a check valve on the residents side of the meter. This will be required for all new constructions and any service lines that are replaced.

38-3-61 RESPONSIBILITIES. It is the owner's responsibility to maintain or repair any service line troubles or leaks located after the meter pit or curb stop, whichever is used.

DIVISION V – USE OF GROUNDWATER AS A POTABLE WATER SUPPLY**38-3-62 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY.**

Use of groundwater as a potable water supply prohibited except for such uses or methods in existence before the effective date of this Division. The use or attempt to use as a potable water supply groundwater from within the corporate limits of the Village, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly shall not include the Village.

38-3-63 PENALTIES. Any person violating the provisions of this Division shall be subject to a fine of up to **Two Hundred Fifty Dollars (\$250.00)** for each violation.

38-3-64 DEFINITIONS.

(A) **"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.

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

38-3-65 MEMORANDUM OF UNDERSTANDING. The Village Board President is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency ("Illinois EPA") in which the Village assumes responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, notifying the Illinois EPA of changes to this Division, and taking certain precautions when siting public potable water supply wells.

38-3-66 REPEALER. All ordinances or parts of ordinances in conflict with this Division are hereby repealed insofar as they are in conflict with this Division.

(Ord. No. 09-06; 03-12-09)

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 wastewater 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 wastewater systems shall be deposited in the Combined 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 Village and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

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

The Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II)**

38-4-3 **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 wastewater 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 wastewater systems.

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

38-4-4 **NOTICE OF RATES.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and wastewater systems of the Village on their properties.

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 Village which are applicable to the Village 's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

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 **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by the Committee within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

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

DIVISION II – UTILITY CONNECTIONS

38-4-10 WATER SERVICE CONNECTIONS.

(A) A water service connection fee of **Two Hundred Fifty Dollars (\$250.00)** is required for any new water service connection. **(Ord. No. 06-01; 01-12-06)**

(B) The owner shall pay for all materials and rental fees in making the service tap to a water main, the water service line, curb stop and valve box.

(C) It is the owner’s responsibility to have the service line trench dug to the water main and the water main exposed.

(D) The Water Department is responsible for making the service tap to the water main and installing the meter.

(E) **Maintenance of Water Lines.** **The Village shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the Village. The Village shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter or curb stop. The property owner shall be responsible for the service line from the meter pit or curb stop into the premises served.**

38-4-11 SEWER SERVICE CONNECTIONS. 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 Village. 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 building sewer permit, **Two Hundred Fifty Dollars (\$250.00)** for commercial or business building sewer permit, and **Five Hundred Dollars (\$500.00)** for an industrial building sewer permit shall be paid to the Village at the time the application is filed.

(Ord. No. 11-16; 11-10-11)

38-4-12 - 38-4-30 RESERVED.

DIVISION III

WASTEWATER SERVICE CHARGES

38-4-31 WASTEWATER SERVICE CHARGES.

(A) **Basis for Wastewater Service Charges.** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.

(B) The **basic user charge** is levied on all users to recover the operation, maintenance plus replacement (OM&R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:

- (1) A **five (5) day twenty degree centigrade (20°C)** biochemical oxygen demand **BOD of 200 mg/l.**
- (2) A suspended solids (SS) content of **250 mg/l.**

(C) The basic user charge shall be computed as follows:

- (1) Estimate the annual wastewater volume, pounds of SS and pounds of BOD to be treated.
- (2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all work categories.
- (3) Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.
- (4) Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.
- (5) Compute costs per **one thousand (1,000) gallons** for normal domestic sewage strength.
- (6) Compute surcharge costs per pound for BOD and SS concentrations in excess of normal domestic strengths.

(D) The **debt service charge** is computed by apportioning the annual debt service as a charge per **one thousand (1,000) gallons.**

(E) A **surcharge** will be levied to all users whose waters exceed the normal domestic concentrations of **BOD (200 mg/l) and SS (250 mg/l).** The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes concentration for BOD and SS respectively.

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

(F) The **adequacy of the wastewater service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or OM&R costs.

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

(H) **Basic User Charge.** There shall be and there is hereby established a basic user charge of **(See Division IV)** per **1,000** gallons of metered water consumption to be applied to all users to recover OM&R costs.

(I) **Debt Service Charge.** There shall be and there is hereby established a debt service charge of **(See Division IV)** per **1,000** gallons to each user of the wastewater facility.

(J) **Rates.** A minimum charge of **(See Division IV) per month** shall be applied to all users whose water consumption does not exceed **one thousand (1,000) gallons** per month. This minimum charge consists of **(See Division IV)** for operations, maintenance and replacement costs, and **(See Division IV)** for debt service costs.

Usage in excess of **one thousand (1,000) gallons** per month will be charged at a rate of **(See Division IV)** per **one thousand (1,000) gallons**. This rate consist of **(See Division IV)** for OM&R costs and **(See Division IV)** for debt service costs.

(K) **Surcharge Rate.** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD: \$0.60
 per lb. of SS: \$0.80

(L) **Computation of Wastewater Service Charge.** The wastewater service charge shall be computed by the following formula:

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

Where CW = Amount of waste service charge (\$) per billing period.
 CD = Debt Service Charge.
 CM = Minimum Charge for Operation, Maintenance and Replacement.
 Vu = Wastewater Volume for the billing period.
 X = Allowable consumption in gallons for the minimum charge.
 CU = Basic User Rate for Operation, Maintenance and Replacement.
 CS = Surcharge, if applicable.

DIVISION IV – WATER AND WASTEWATER RATES

38-4-32 RATES. The rates for water and wastewater shall be **Seven Dollars Ninety-Five Cents (\$7.95)** per **one thousand (1,000) gallons** for water and **Seven Dollars Ninety-Five Cents (\$7.95)** per **one thousand (1,000) gallons** for wastewater. (Ord. No. 17-05; 04-13-17)

(A) The minimum per month for water is **Seven Dollars Ninety-Five Cents (\$7.95)** and for wastewater is **Seven Dollars Ninety-Five Cents (\$7.95)**. (Ord. No. 17-05; 04-13-17)

(B) All charges shall be derived from the water meter reading, unless the user installs and maintains a sewerage flow meter for their own sewer line at his own expense.

(C) A special rate for the taxing bodies of the Fisher High School and the Fisher Grade School for any water usage over **twenty thousand (20,000) gallons** shall apply to water usage only. This rate is **Two Dollars (\$2.00)** per **one thousand (1,000) gallons**. (Ord. No. 13-15; 10-10-13)

38-4-33 OUTSIDE VILLAGE RATES. Rates for outside the corporate limits of the Village of Fisher shall be **one hundred fifty percent (150%)** of the above rates for both water and wastewater.

38-4-34 HYDRANT RENTAL. In addition to the foregoing rates there shall be charged to the Sangamon Valley Fire Protection District in the Village of Fisher, Champaign County, the sum of **One Thousand Dollars (\$1,000.00)** per year as hydrant rental for fire protection. (Ord. No. 06-07; 04-13-06)

38-4-35 DIVISION OF WASTEWATER CHARGE. A Debt Service Charge of **Fifty Cents (\$0.50)** per **one thousand (1,000) gallons** is established and all other charges will be applied to OM&R costs.

38-4-36 LEAK ADJUSTMENT. A leak adjustment will be given once per fiscal year. This adjustment will apply only to the water rates.

38-4-37 RATES FOR TURNING WATER SERVICE OFF AND ON. A rate of **Twenty Dollars (\$20.00)** will be charged to turn a water service off for maintenance or temporary termination of residence. A rate of **Twenty Dollars (\$20.00)** will be charged to turn a water service on for maintenance or temporary termination of residence. The fee will not be charged for repair or installation of an easily accessible shutoff valve. (Ord. No. 06-14; 07-13-06)

38-4-38 BILLINGS.

(A) Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and users of the services are jointly and severally liable therefore to the Village. Bills for service shall be sent out by the Treasurer on the **fifteenth (15th) day** of the month or quarter succeeding the period for which the service is billed. All bills are due and payable **ten (10) days** after being sent out. A late charge of **ten percent (10%)** shall be added to all bills not paid by the **twentieth (20th) day** after they have been rendered.

(B) If the charges for such services are not paid within _____ days or _____ days hereinabove mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

(C) Whenever a bill for service remains unpaid by the **tenth (10th) day** of the month following service, after it has been rendered, the Treasurer 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 Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, whenever such bill remains unpaid for the period **forty-five (45) days** for a monthly bill or **one hundred five (105) days** for a quarterly bill after it has been rendered.

The failure of the Treasurer 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 bills as mentioned in the foregoing section.

(D) Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the 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 Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid **forty-five (45) days** in the case of a monthly bill or **one hundred five (105) days** in the case of a quarterly bill after it has been rendered.

(E) All revenues and moneys derived from the operation of the water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of 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 Mayor and Board of Trustees.

The Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the Village of Fisher." The Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

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

- (1) Flow data showing total gallons received at the water plant for the current fiscal year.
- (2) Billing data to show total number of gallons billed per fiscal year.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the system.
- (5) Number of non-metered users.

(G) Any person, firm or corporation violating any provisions of this Article shall be fined **Forty Dollars (\$40.00)** for each offense.

(H) The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement and/or State Grant. **(Ord. No. 07-18; 11-08-07)**

ARTICLE V - WASTEWATER 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 Village or his authorized deputy, agent, or representative.

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

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

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

"GOVERNMENT, STATE".

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

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

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

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

"SEWER TYPES AND APPURTENANCES".

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

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

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

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

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

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

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

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

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

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

"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 wastewater 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) **"Wastewater Fund"** is the principal accounting designation for all revenues received in the operation of the wastewater 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 month 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 wastewater system.

"USER TYPES":

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

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

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

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

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

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

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

"WATERCOURSE AND CONNECTIONS":

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

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

"WASTEWATER AND ITS CHARACTERISTICS":

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

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

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from 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 wastewater, 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 wastewater 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.

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 Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

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

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

38-5-7 **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

38-5-8 - 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 from the appropriate Health Department. The application for such permit shall be made on a form furnished by the Village (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 **One Hundred Dollars (\$100.00)** shall be paid to the Village at the time the application is filed.

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 **forty-eight (48) hours** of the receipt of written notice by the Superintendent.

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 **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14 **AVAILABILITY OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-7**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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 Village.

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.

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.

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

DIVISION IV

BUILDING SEWER 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 CLASSES OF PERMITS.

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

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

(B) In either case, the owner or his agent shall make applications on a special form furnished by the Village. **(See Appendix)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to **Section 38-4-11** of this Code.

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

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

38-5-25 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; except for sewer connection charges accruing from such buildings or properties.

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

38-5-27 CONSTRUCTION METHODS. The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four inches (4")**. If **six inch (6") diameter pipe** is used, the slope shall not be less than **one-fourth (1/4") inch** per foot. If **four inch (4") or five inch (5") diameter pipe** is used, the slope shall not be less **one-fourth (1/4") inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

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

- (A) Cast or ductile iron pipe
- (C) PVC solid wall plastic pipe (6" diameter maximum) **(Schedule 40)**

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

38-5-28 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 Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

38-5-29 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation to the middle of the basement wall. All basement sewerage shall be removed by an ejector pump system in accordance with the State Plumbing Code.

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 Village, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

- (A) Installation of a manhole
- (B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. A flex saddle shall be used.
- (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.

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

On Site Inspection. After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the 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 sewer crossing any street, or traveled alley shall be backfilled with granular backfill material.

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

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

At any time after the installation of the building sewer, the Village 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 Village'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 Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, **Water Pollution Control Federation**

Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

38-5-36 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 Village.

38-5-37 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION. The Village Board shall first determine if an extension of sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use the sewer line along the extension. If the extension is economically feasible then the Village may install and pay the cost of the extension the discretion of the Village Board. If the Village elects not to pay the cost of extending the sewer main then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the Village Board. The Village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed.

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 REPAIRS TO EXISTING LINES. No concrete is to be used in repairing the sewer lines. The section of pipe is to be cut out, replaced with PVC pipe and connected with a flex coupling (example – Fernco or mission). All repairs shall be inspected by the Village prior to backfilling.

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 Village, shall make any connection with, uncover, alter or disturb a Village sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the Village, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any Village sewer, without first obtaining a written permit to do so from the Village.

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 Village.

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

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

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

All permits issued under this Article V shall have an expiration date of **one (1) year** after the date of issuance. Any sewer not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

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 SDR 26 or better.

(B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and of comparable material to the sewer main for PVC pipe.

38-5-45 **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the Village before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewer shall be subjected to:

(A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.

(B) Under special circumstances, when approved by the Village, air pressure testing with allowance to be specified by the Village.

When any sewer line fails to pass an air pressure test, the sewer line shall be televised in the presence of the Village 's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the Village.

38-5-46 **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **three hundred fifty (350) 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 SEWER 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 sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer, or natural outlet.

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 sewer:

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

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

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

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

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 sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

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

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

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

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

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

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

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

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

(I) Materials which exert or cause:

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

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

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

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

38-5-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-52** 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 38-5-42**.

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

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

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

38-5-54 GREASE, OIL, FAT AND SAND INTERCEPTORS OR TRAPS. All establishments involved in the preparation of food for commercial purposes shall provide and maintain grease interceptors and/or traps.

(A) Grease, oil, fat and sand interceptors and/or traps at the cost of the owner when required by the Village for the proper handling of liquid wastes containing grease, fats, oils, sand or other harmful ingredients, except that such interceptors or traps will not be required for residential dwelling units.

(B) All interceptors and/or traps shall be of a type and capacity approved by the Water and Wastewater Superintendent and the Illinois Department of Public Health; all such devices shall be installed under the Illinois State Plumbing Code; all such devices shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme conditions in temperatures and shall be of substantial construction, gas tight, watertight and equipped with easily removable covers.

(C) All grease, oil, fat and sand interceptors and/or traps shall be serviced and emptied at the cost of the owner. No waste removed from such devices shall be introduced into the sanitary sewer or back into interceptors and/or traps. The owner shall be responsible for the legally appropriate sanitary disposal of such waste.

(D) The owner shall maintain and emptying for the prior **three (3) years**, or less, if the device is less than **three (3) years** old. Said records shall be made available upon request by the Water and Wastewater Superintendent or his designee.

(E) Approval of proposed facilities or equipment by the Village Water and Wastewater Superintendent, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve any person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

(F) The schedule for cleaning and emptying grease traps and/or interceptors are as follows:

- (1) Small indoor devices are to be cleaned and emptied on a minimum bi-weekly basis with records kept to verify during inspection by Village Wastewater Department.
- (2) Larger outdoor in ground devices are to be cleaned and emptied on a minimum of once yearly with records kept to verify during inspection by Village Wastewater Department.

(Ord. No. 14-13; 10-09-14)

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

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

38-5-57 **INDUSTRIAL WASTE TESTING.**
 (A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

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

38-5-58 **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. 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 Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division III of this Code)**

38-5-60 - 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 Village, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

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

38-5-67 **LIABILITY OF VILLAGE.** While performing the necessary work on private properties referred to in **Section 38-5-66** above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-57**.

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

38-5-69 **SUMP PUMP INSPECTION PROGRAM.**

(A) The Board of Trustees finds that a large amount of stormwater is entering the Village's sanitary sewer system, preventing the sanitary sewer system from operating efficiently and causing sanitary sewage to damage private property and threaten the public health and safety.

(B) The Board of Trustees finds that some stormwater and groundwater sump pumps have been illegally connected to the Village's sanitary sewer system which connections increase the amount of stormwater and groundwater flowing into the sanitary sewer system and these sump pump connections contribute to the damage caused by surcharging sanitary sewers.

(C) The Board of Trustees finds, based on the amount of stormwater and groundwater flowing into the Village's sanitary sewer system, that it is likely that sump pumps exist which are concealed in structures which the owners may or may not know are connected to the sanitary sewer system, endangering the public health and safety.

(D) The Board of Trustees finds that the only effective and efficient method of detecting and eliminating sump pumps illegally connected to the sanitary sewer system is a Village-wide inspection program of structures in which sump pumps pumping ground and stormwater into the sanitary sewer could be connected to a sanitary sewer.

38-5-70 SUMP PUMP INSPECTION PROGRAM AUTHORIZED.

(A) The Board of Trustees or their designee is authorized and directed to implement an inspection program which is designed to inspect each structure located in the Village with a sanitary sewer connection not built using a slab foundation method. Such structures shall be inspected under this program solely to detect any stormwater or groundwater sump pumps located in the structure or on the property and determine whether such sump pumps are connected to a sanitary sewer line.

(B) The Board of Trustees or their designee shall design the sump pump inspection program so that each structure in the Village in the program is inspected by **July 1, _____**. Thereafter, the inspection program shall attempt to inspect each structure in the Village with a sanitary sewer connection not built using a slab foundation at least once every **ten (10) years**. The inspection shall be solely to determine if there is a stormwater or groundwater sump pump located on the property which is connected to a sanitary sewer.

38-5-71 MANDATORY INSPECTION PROGRAM; NOTICE TO OWNERS.

(A) The Board of Trustees or their designee shall attempt to contact the owner and occupant and obtain permission to inspect the structure subject to inspection under the sump pump inspection program. Notice delivered in person or by first class mail to the person in whose name the property was last billed for water or notice delivered to an occupant of the property over the age of **eighteen (18) years** shall be considered sufficient notice under this program.

(B) If the Board of Trustees or their designee is unable to obtain permission of the owner or occupant of a structure to conduct a search for a sump pump under the systematic sump pump inspection program after sending notice as required under this Section, the Board of Trustees shall notify the Village Attorney. The Village Attorney shall assist the Board of Trustees in obtaining judicial permission to conduct a search of the structure for purposes of determining whether a sump pump is located on the property which sump pump is connected to a sanitary sewer.

DIVISION VIII - PENALTIES

38-5-72 **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-5-65** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

38-5-73 **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-7** 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.

38-5-74 **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.