

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 Sewer Department**. It shall include the Superintendent of Water and Sewer and the Water and Sewer Committee appointed by the Mayor, and its employees.

38-1-2 **WATER AND SEWER COMMITTEE.** The Water and Sewer Committee shall exercise a general supervision over the affairs of the waterworks system and sewerage system. The Committee shall ascertain the condition and needs thereof; 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 Department.

38-1-3 **SUPERINTENDENT.** The Superintendent shall be subject to the supervision of the Mayor and the Water and Sewer Committee and shall be known as the **"Superintendent"**. He shall be appointed by the Mayor with the advice and consent of the Village Board and shall hold office until his successor shall be appointed and qualified. He shall receive such salary as may be provided for by the Village Board. **(See Chapter 1; Art. II; Division X)**

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, firm or entity who or which (i) is supplied with water and sewer services from the waterworks and sewerage system, (ii) accepts and uses Village water and sewer services, or (iii) is physically connected to the Village water and sewer system irrespective of whether water is actually taken from the system, and such persons, firms and entities shall be referred to herein as "**customers**" and held to have consented to be bound by such rates, rules and regulations. Persons, firms and entities who or which own vacant lots which are not physically connected to the water and sewer system are not "customers" for purpose of this Chapter. **(Ord. No. 09-02; 01-21-09)**

(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 Chapter 1, Article I of this Code.

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

(E) Service Obtained By Fraud. All contracts for water and sewer services must be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered 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 Sewer Systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are to be discontinued. Reconnection charge shall be **Fifteen Dollars (\$15.00)** upon the filing of an application.

(H)

Billing; Utility Shut-off; Hearing.

- (1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid by the **twentieth (20th) day** of the month, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added to the bill. This penalty shall be added in addition to the charge heretofore established for the utility services.
- (2) Any customer who fails to pay the utility bills within **thirty (30) days** of presentation shall have the utility services disconnected after a written notice by the Village Clerk has been sent by mail to the customer on the **twenty-first (21st) day** after billing, affording the customer an opportunity for a hearing. The notice shall specifically advise the customer of the following:
 - (a) Name and address of the customer and amount of the bill.
 - (b) The date, time, and location of the hearing to be held.
 - (c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
 - (d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
 - (e) The date of the cut-off.
- (3) The time, date and location of the hearing shall be determined by the Mayor, the Village Clerk, or the designee of the Mayor. The Mayor, Village Clerk or designee shall preside over the hearing. The Mayor, Village Clerk or designee of the Mayor shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing.
- (4) The customer shall be notified within **two (2) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the Village shall also have the right to terminate the customer's utility services without further proceedings. Following the hearing date, if the Village provides written notice to termination of the customer's utility services by posting or door hanger upon the customer's door at the address where utilities are to be disconnected, then a penalty of **Twenty-Five Dollars (\$25.00)** shall be added to the customer's bill. **(Ord. No. 18-09; 03-21-18)**
- (6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the Village shall notify the owner of the property by first-class mail.

- (7) Once utility services have been disconnected the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including, but not limited to, the penalties contained in **Section 38-2-1(H)(1)** and **38-2-1(H)(5)** and a fee of **Twenty-Five Dollars (\$25.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services. **(Ord. No. 18-09; 03-21-18)**

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

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Village Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Village Clerk whenever such bill remains unpaid for a period of **forty-five (45) days** after it has been rendered.

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

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be 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 **sixty (60) days** after it has been rendered. **(See 65 ILCS Sec. 5/11-139-8)**

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

38-2-3 **LIABILITY FOR CHARGES.** The owner of the premises where service is furnished and the occupant thereof and the user of such service shall be jointly and severally liable to pay for the service on said premises, the services shall be furnished to the premises by the Village of New Berlin only upon the condition that the owner of the premises, the occupant and the user of the service are jointly and severally liable therefore to the Village of New Berlin. **(Ord. W-5, S.6, August 26, 1960)**

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 Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the 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) **Residential.** Except as set forth in subparagraph (C), when any application is made for utility services to any residence, the applicant shall pay a deposit of **One Hundred Dollars (\$100.00).**

(B) **Non-Residential.** Except as set forth in subparagraph (C), when any application is made for utility services to a premises which is not a residence, the applicant shall pay a deposit of **Two Hundred Dollars (\$200.00).**

(C) When the amount of the deposit provided for above is not sufficient to adequately protect the Department, a greater amount than stated above may be required, based on the consumer's estimated bill for a customary billing period. When an applicant for service has, with respect to an existing or prior account, a history of timely payments each month for a period of at least **three (3) years** immediately preceding the date of the application for a new account, no deposit will be required.

(D) **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.

(E) **Replenishment of Deposit.** Whenever a portion of the deposit is applied against a bill in accordance with subsection (D) of this Section, notice shall be given by the Village to the account holder, who shall deposit with the Village Clerk an amount sufficient to bring the deposit to the established rate of deposit within **two (2) working days** of receipt of the notice. Failure to replenish the deposit shall be grounds for termination of service.

(Ord. No. 15-01; 02-18-15)

38-2-7 **NEW CUSTOMERS.** Except for those properties located adjacent to the water transmission line, no new properties shall be connected to the Village's water or sewer system unless such properties are located within the corporate limits. **(Ord. September 5, 1962)**

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the Village shall file a written application at the Village Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. This Section applies only to taps within the corporate limits of the Village where no new water main is required. All taps to extraterritorial customers, and all taps requiring the construction of a water main, are governed by **Section 38-3-56 et seq.** of this Code. **(See Article IV for fees.) (Ord. No. 05-01; 02-16-05)**

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

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

For every new (whether original or replacement) water service, whether for domestic, commercial or industrial use, installed after **July 16, 1997**, there shall be included, at the sole expense of the property owner, a meter read-out device of a type approved by the Water and Sewer Committee displaying water usage and installed above ground on the exterior of the building in a manner which is accessible for reading and repairing. **(Ord. No. 97-06; 07-16-97)**

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 Waterworks 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 Waterworks 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 Waterworks 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 Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

38-3-6 **RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the 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 Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water and Sewer Department on a form provided by the Water and Sewer Department for that purpose.

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

38-3-10 FIRE HYDRANTS.

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the 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 LAWN WATERING. The right is reserved to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens whenever, in the opinion of the Village, public exigencies require it.

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 Board of Trustees.

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 **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.

38-3-17 **RESERVED.**

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-18 APPROVED BACKFLOW DEVICE. All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-19 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-20 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-21 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall

furnish to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-22 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **Thirty-Five Dollars (\$35.00)** is paid to the Village Clerk.

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

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

38-3-23 CONTAMINATIONS COST AND THE CONSUMER. The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system. **(Ord. No. 548; 03-15-89)**

38-3-24 - 38-3-30 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

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

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

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

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

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

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

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

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

"Agency" means Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38-3-35 WATER SYSTEM.

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

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

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

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

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

38-3-36 CROSS-CONNECTION PROHIBITED.

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

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

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

38-3-37 SURVEY AND INVESTIGATIONS.

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

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

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., 1992, Ch. 225, Sec. 320/3.

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

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

38-3-38 WHERE PROTECTION IS REQUIRED.

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

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

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

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

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.

- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

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

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

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

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

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

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

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

38-3-40 BACKFLOW PREVENTION DEVICES.

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

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

38-3-41 INSPECTION AND MAINTENANCE.

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

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

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

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

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

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

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

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

38-3-42 BOOSTER PUMPS.

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

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

38-3-43 VIOLATIONS AND PENALTIES.

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

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

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

(D) Neither the Village, the Superintendent, or its assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination.

(Ord. No. 548; 03-15-89)

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

DIVISION IV - MAIN EXTENSIONS

38-3-46 **APPLICATION FOR EXTENSION.** Any prospective customer may apply for water service. Application shall be made at the Village Hall on forms prescribed by the Village. If the premises to be served is within the corporate limits of New Berlin and no new main is required, the tap is governed by **Section 38-4-10** of this Code. If the premises is to be served is located outside the corporate limits of New Berlin, or if the premises to be served requires extension of a main, the provisions of this Division shall apply. **(Ord. No. 05-01; 02-16-05)**

38-3-47 **APPLICATION FEES.** Each application for service outside the Village limits or requiring a main extension shall be accompanied by a nonrefundable fee in the amount of **Fifty Dollars (\$50.00)** to cover the cost of review by the Water Superintendent. The Village Clerk shall forward the application to the Water Superintendent, who shall provide the Village with an estimate of the cost of providing service to the prospective customer. The cost as estimated by the Water Superintendent shall include the cost of pipes and other materials, labor, meters, permits, construction observation, design work, and any other costs associated with the extension of water service from the nearest main through and including the water meter, which normally will be located in the customer's yard. The Water Superintendent shall have the discretion to specify all construction materials, including but not limited to the size of mains, for any extension of service. In the event a group of customers request water service, the cost of a water main for such customers may be prorated by the Water Superintendent among such customers. In performing his duties under this Section, the Water Superintendent may consult with the Village Engineer. **(Ord. No. 05-01; 02-16-05)**

38-3-48 **ESTIMATED COSTS OF SERVICE.** Within **thirty (30) days** of receipt of the application, the Superintendent shall report to the prospective customer and to the Village the estimated cost of the water service. Within **thirty (30) days** of mailing by the Superintendent of the estimated cost, the customer shall deposit with the Village a sum in the amount of **one hundred ten percent (110%)** of the estimated cost, or a tap-on fee of **Seven Hundred Dollars (\$700.00)**, whichever is greater. All such funds shall be placed and maintained in an account segregated from other funds of the Village. **(Ord. No. 05-01; 02-16-05)**

38-3-49 **PRORATED COSTS.** In the event the estimated cost of providing water service to a customer contains a prorated portion of the cost of a water main, and certain prospective customers elect, after reviewing the estimate of cost, not to

participate in the project, the Superintendent shall re-prorate the cost of the water main, and the remaining customers shall be required to provide, as an additional deposit, **one hundred ten percent (110%)** of the difference to the Village. **(Ord. No. 05-01; 02-16-05)**

38-3-50 EASEMENTS AND PERMITS. After deposit by the customer of the estimated cost of extending water service, the Village shall attempt to secure any necessary easements and permits that may be required by the Illinois Environmental Protection Agency or any other agency of government. In the event that such easements and permits are not obtained and the project, therefore, becomes infeasible, the deposit, less any engineering or other expenses incurred by the Village with respect to the proposed extension, shall be returned to the customer. In the event that such easements and permits are obtained, the Village shall proceed to let the necessary contracts for the water service extension under the supervision of the Village Superintendent or engineers. All waterworks constructed by the Village shall be the sole property of the Village to and including the meter installed for each customer. **(Ord. No. 05-01; 02-16-05)**

38-3-51 RESPONSIBILITY OF CONSTRUCTION. Construction of water lines downstream of each meter shall be entirely at the responsibility and expense of the customer; all lines shall be designed and constructed in accordance with the Illinois Plumbing Code in its current edition. **(Ord. No. 05-01; 02-16-05)**

38-3-52 REJECTION OF APPLICATION. The Village has limited water resources. Accordingly, it has no obligation whatever to provide extraterritorial service and may reject any application for service at its sole discretion. **(Ord. No. 05-01; 02-16-05)**

38-3-53 COMPLETION OF CONSTRUCTION. Upon the completion of construction of any water service extension, the Water Superintendent shall compute the actual cost of such extension. Regardless of the cost, the Village shall retain not less than **Seven Hundred Dollars (\$700.00)** as a tap-on fee. If the customer has deposited more than **Seven Hundred Dollars (\$700.00)** but the extension has cost the Village less than the amount deposited by the customer, the Village shall refund the different. If the construction costs more than the amount deposited by the customer, the Village shall bill the customer for the different, and the customer shall pay such difference before receiving any water from the Village. **(Ord. No. 05-01; 02-16-05)**

38-3-54 TESTING OF SERVICE. Upon completion and successful testing of any water service extension, the Village shall provide water to the customer, and the customer shall accept such water service, in accordance with the terms, conditions and rates set forth in applicable Village ordinances, which the Village may change from time to time at its sole discretion. **(Ord. No. 05-01; 02-16-05)**

38-3-55 ADDITIONAL CUSTOMERS. In the event that any customer or group of customers has paid for a water main pursuant to this Division, and additional customers desire to tap on to such main, the additional customers shall pay to the Village their prorated share of the main as determined by the Village's consulting engineer, and computed on the basis of the then-current construction cost of the main less depreciation calculated on a **ten (10) year** straight line basis. The Village shall apportion such payment among the customers who originally paid for the line, and shall pay such apportioned amounts over to such customers either in cash lump sum payments or in the form of credits against such customer's water bills. The apportionment by the Village shall be at the Village's discretion and shall be final. In the event that one of the original customer who paid for the line no longer resides where he or she did at the time of the extension, the prorated share of such customer shall become the property of the Village. No customer shall be entitled to any rebate more than **ten (10) years** after construction of such a water main. **(Ord. No. 05-01; 02-16-05)**

DIVISION V - EXTRATERRITORIAL WATER SERVICE

38-3-56 **OUTSIDE CORPORATE LIMITS.** After **March 1, 2005**, all extensions of service to premises outside the corporate limits of the Village shall be expressly subject to the condition that if the premises ever become contiguous to the Village or contiguous to other property which is contiguous to the Village, and if the Village requests the property owner, either individually or in conjunction with other property owners, to file a petition for annexation to the Village, then the property owner shall do so.

38-3-57 **DISCONTINUANCE OF SERVICE.** The Village may at its sole discretion discontinue service to all extraterritorial customers at any time with **six (6) months** prior notice to such customers. In the event the Village's water supply is curtailed for any reason, the Village may curtail the water supply of its extraterritorial customers to the same extent as to the customers within the Village.

38-3-58 **ABIDE BY ORDINANCES.** Each extraterritorial customer agrees, as a condition of service, to abide by all Village ordinances respecting the water system, including but not limited to, any ordinance regarding plumbing or backsiphonage. Each customer consents to Village regulations regarding collection of delinquent accounts, imposition of liens for unpaid accounts, and disconnection and reconnection procedures.

38-3-59 **CONTIGUOUS PROPERTY.** On and after **March 1, 2006**, the Village's sales of water to any person who was a customer as of **March 1, 2005** and is located outside the Village's corporate limits, shall be subject to the condition that if the premises ever become contiguous to the Village or contiguous to other property which is contiguous to the Village, and if the Village requests the property owner, either individually or in conjunction with other property owners, to file a petition for annexation to the Village, then the property owner shall do so.

38-3-60 **PETITION FOR ANNEXATION.** On and after **March 1, 2006**, any extraterritorial water customer who is requested by the Village in writing to file a petition for annexation shall promptly comply, as follows. The Village's request shall be mailed to the billing address of the customer, with a questionnaire regarding the identity and addresses of all persons legally required to join in a petition for annexation--that is, all owners of record and all registered voters residing on the premises. The customer shall return the completed questionnaire to the Village within **thirty (30) days**. The Village shall then prepare the appropriate annexation ordinance, with the annexation plats to be attached thereto to be prepared at the

Village's own expense. It

shall provide the necessary petition forms to the customers, who shall promptly execute the petitions to enable the Village to pass the annexation ordinance within **ninety (90) days** of the original mailing of the questionnaire.

38-3-61 TIME LIMITATIONS. Extensions of the time limitations contained in **Section 38-3-60** shall be freely granted by the Village for good cause, and the Village shall not be deemed to have waived any of its rights hereunder by failing to comply with a time limitation.

38-3-62 FAILURE OR REFUSAL TO ANNEX. Customers who fail or refuse to annex their property or to execute petitions in accordance with this Chapter may have their water service discontinued by the Village upon **thirty (30) days** written notice.

38-3-63 ZONING OF PROPERTY. Upon annexation, all properties shall have the zoning as specified by the Village Zoning Code for newly annexed property. Any property owner may request a different zoning category upon or after annexation, and such requests shall be processed in accordance with the Zoning Code. Any use of property which the owner can prove (a) was in effect on the effective date of this Code and (b) was a valid use under the Sangamon County Zoning Code on the effective date of this Code shall be allowed to continue in accordance with the nonconforming uses sections of the Village Zoning Code.

38-3-64 DEFINITION OF "PREMISES". As used in this Division, the term "premises" includes all land contiguous to a residence served by the Village and under common ownership, whether or not the land is platted into separate lots.

38-3-65 - 38-3-70 RESERVED.

(Ord. No. 05-01; 02-16-05)

DIVISION VI – AGREEMENTS

38-3-71 SOUTH SANGAMON WATER COMMISSION. The Wholesale Water Agreement between the South Sangamon Water Commission and the Village of New Berlin, a copy of which is included as **Appendix "A"** at the conclusion of this Chapter. **(Ord. No. 10-04; 03-17-10)**

ARTICLE IV - UTILITY RATES

DIVISION I - GENERAL

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

[**NOTE:** When **two (2)** or more families live in **one (1) dwelling**, one minimum per family may be charged. If more than the minimum is used, the owner or occupant of such dwelling shall pay the additional over such minimum as provided.]

38-4-2 REVENUES. All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the 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 Village Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water 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 Village Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

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

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

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

38-4-4 NOTICE OF RATES. A copy of this Article, properly certified by the 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 sewer systems of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-4-5 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the 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 TESTING OF METERS. Each customer shall have the right to request a testing of his water meter, and if the water meter, after testing of his water meter, and if the water meter, after testing, proves to be within **two percent (2%)** of being correct, then such customer shall be charged a fee of **Fifty Dollars (\$50.00)**. The **Fifty Dollars (\$50.00)** shall be deposited with the Treasurer prior to the testing of the meter and shall be promptly refunded to the customer after the meter is tested in the event the meter proves to be outside **two percent (2%)** of being correct.

38-4-7 DISPUTES BETWEEN VILLAGE AND CUSTOMER. The Village reserves the right to have the Village Board decide all questions or disputes which may arise between the Village and any customer and to have the Village Board interpret the meaning of all of the provisions of this Chapter. The decision of the Village Board shall be final and binding upon the Village and customer, and the provisions of the section shall become a part of every contract for utilities between the Village and all customers.

38-4-8 - 38-4-9 RESERVED.

DIVISION II - WATER CHARGES

38-4-10 WATER TAP-ON FEES. Applicants for water service shall pay a charge of **One Thousand Two Hundred Dollars (\$1,200.00)** for each connection or tap-on to the water mains of the Village for properties not now connected or tapped-on to the water mains, whether presently constructed or to be constructed. All such connections shall be made in such a manner as the Village may direct through its duly authorized employees, including, but not limited to, the requirement that all such water service shall utilize not less than a **one (1) inch** water line. The Village will provide the water line up to the property line, and the property owner shall provide, at the sole expense of the property owner, a meter readout device as required under **Section 38-3-2** of the Village Code. The tap-in fee for water service outside the Village limits shall be the full actual cost of installing such service, or **One Thousand Two Hundred Dollars (\$1,200.00)**, whichever is greater. **(Ord. No. 10-02; 02-17-10)**

38-4-11 WATER AND SEWER RATES. There shall be established the following rates and charges for the use of the water and sewer system of the Village, based upon the amount of water consumed as follows:

(A) **WATER USERS - INSIDE VILLAGE LIMITS.**

First	1,000 gallons	\$27.50 MINIMUM PER MONTH
Over	1,000 gallons	Minimum charge + \$10.25 per 1,000 gallons

(B) **WATER USERS - OUTSIDE VILLAGE LIMITS.**

First	1,000 gallons	\$33.00 MINIMUM PER MONTH
Over	1,000 gallons	Minimum charge + \$12.00 per 1,000 gallons

(C) **WATER USERS - BULK SALES.**

\$10.25 per 1,000 gallons, regardless of amount

(D) **SEWER USERS - INSIDE VILLAGE LIMITS.**

- (1) **Until July 24, 2018:**

Minimum Monthly Charge (Includes first 1,000 gallons):	\$9.97
Cost per 1,000 gallons (after first 1,000):	\$4.20
- (2) **From July 25, 2018 until June 24, 2019:**

Minimum Monthly Charge (Includes first 1,000 gallons):	\$20.00
Cost per 1,000 gallons (after first 1,000):	\$4.50
- (3) **From July 25, 2019 until May 24, 2020:**

Minimum Monthly Charge (Includes first 1,000 gallons):	\$30.00
Cost per 1,000 gallons (after first 1,000):	\$4.75
- (4) **From May 25, 2020 forward:**

Minimum Monthly Charge (Includes first 1,000 gallons):	\$39.15
Cost per 1,000 gallons (after first 1,000):	\$5.05

(E) Water rates as set forth herein are effective as of **June 26, 2018.**

(Ord. No. 18-16; 07-18-18)

38-4-12 - 38-4-20 RESERVED.

DIVISION III

WASTEWATER SERVICE CHARGES

38-4-21 BASIS FOR 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 for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

(B) The **debt service charge** shall be computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly and quarterly debt service charges can be computed.

(C) The **basic user charge** shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(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**.

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

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

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

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

(6) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.

(7) Compute costs per 1,000 gallons for normal sewage strength.

(8) Compute surcharge costs per 1,000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

(D) A **surcharge** will be levied to all users whose waste waters exceed the normal domestic concentrations of **BOD 200 mg/l and SS 250 mg/l**. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the **200 mg/l and 250 mg/l** concentration for BOD and SS respectively. (**Section 38-4-26** specifies the procedure to compute a surcharge.)

(E) The **adequacy of the wastewater service charge** shall be reviewed 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 debt service or a change in operation and maintenance costs, including replacement costs. (Ord. No. S-3)

38-4-22 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons**.

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

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

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

38-4-23 DEBT SERVICE CHARGE. A debt service charge of \$_____ per month to each user of the wastewater facility is hereby established.

38-4-24 BASIC USER RATE. There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the Village.

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

A **basic user rate** of **Four Dollars Twenty-Five Cents (\$4.25)** per **one thousand (1,000) gallons** shall be applied to all users for water consumption in excess of **one thousand (1,000) gallons** per month.

All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month, adequate to cover the costs of the minimum debt service charge and the basic user rate. The flat rate charge will be **Eight Dollars Twenty-Five Cents (\$8.25)**.

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

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

38-4-25 SURCHARGE RATE. The rates or surcharges for BOD and SS shall be as follows:

(A) For BOD, a surcharge rate of **\$0.003** per mg/l per **1,000 gallons** shall be applied for a waste strength in excess of **200 mg/l**.

(B) For SS, a surcharge rate of **\$0.0024** per mg/l per **1,000 gallons** shall be applied for a waste strength in excess of **250 mg/l**.

38-4-26 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Authority and shall be binding as a basis for surcharges. The surcharge shall be the sum computed as follows:

(A) For BOD, multiply the surcharge rate by the strength of the waste in excess of **200 mg/l**, and further multiply this product by the total flow discharged per **1,000 gallons**.

(B) Plus for SS, multiply the surcharge rate, by the strength of the waste in excess of **250 mg/l**, and further multiply this product by the total flow discharged per **1,000 gallons**.

38-4-27 COMPUTATION OF WASTEWATER CHARGE. The wastewater charge shall be computed by the following formula:

$$W = SC + M (Vu-X)UR + S$$

Where	W	=	Amount of wastewater charged (\$) per billing period.
	SC	=	Service Charge
	M	=	Minimum User Charge for Operation, Maintenance and Replacement.
	Vu	=	Wastewater Volume for the billing period.
	X	=	Allowable consumption in gallons for the minimum charge.
	UR	=	Basic User Rate for Operation, Maintenance and Replacement
	S	=	Amount of Surcharge.

ARTICLE V - SEWER SYSTEM

DIVISION I - GENERAL PROVISIONS

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 sewers and their connection to the sanitary sewer system.

"GOVERNMENT, STATE".

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

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

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

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

"SEWER TYPES AND APPURTENANCES".

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

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

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

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

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers 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 sewers 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 sewers and appurtenances for the collection, transportation and pumping of sewage.

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

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

"TREATMENT":

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

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

"TYPES OF CHARGES":

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

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

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

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

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

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

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

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

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

(J) **"Wastewater Service Charge"** shall be the charge per quarter or 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 sewer system.

"USER TYPES":

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

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

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

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

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

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

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

"WATERCOURSE AND CONNECTIONS":

- (A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"WASTEWATER AND ITS CHARACTERISTICS":

- (A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees centigrade (20°C)**, expressed in milligrams per liter.
- (B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".
- (C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from 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 0.21 pounds of suspended solids.

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

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

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

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

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

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

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

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

38-5-2 - 38-5-4 RESERVED.

DIVISION II**USE OF PUBLIC SEWERS REQUIRED**

38-5-5 **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.

38-5-6 **POLLUTING WATERS.** 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 Code.

38-5-7 **PRIVATE DISPOSAL FACILITIES.** 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.

38-5-8 **DISCONTINUANCE OF PRIVATE DISPOSAL SYSTEM.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **sixty (60) days** after date of official notice to do so, provided that said public sewer is within **one hundred feet (100') (30.48 meters)** of the property line.

38-5-9 **RESERVED.**

DIVISION III

PRIVATE SEWAGE DISPOSAL

38-5-10 **PRIVATE SYSTEM REGULATIONS.** Where a public sanitary sewer is not available under the provisions of **Section 38-5-8**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-5-11 **PRIVATE SEWER SYSTEM PERMIT.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Village. A permit and inspection fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the Village at the time the application is filed.

38-5-12 **INSPECTION.** 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 **REQUIREMENTS FOR SYSTEM.** 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 **twenty-one thousand six hundred (21,600) square feet or one thousand nine hundred forty-four (1,944) square meters.** No septic tank or cesspool shall be permitted to discharge to any natural outlet without supplemental treatment.

38-5-14 **MAINTENANCE 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.

38-5-15 **ADDITIONAL REQUIREMENTS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village or the County Health Department.

38-5-16 **AVAILABILITY OF PUBLIC CONNECTION.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-16**, a direct connection shall be made to the public sewer in compliance with this Code, the building sewer shall be connected to the public 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.

38-5-17 **RESERVED.**

DIVISION IV

BUILDING SEWERS AND CONNECTIONS

38-5-18 **PERMIT REQUIRED.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

38-5-19 **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-20 **APPLICATION FOR PERMIT.**

(A) There shall be a single class of building sewer permits, and the cost thereof shall be **Five Hundred Dollars (\$500.00)** per building sewer regardless of the type of structure. **(Ord. No. 10-03; 02-17-10)**

(B) In all cases, the owner or his agent shall make applications on a special form furnished by the Village.

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

(D) The fee for a sewer connection shall be **One Hundred Dollars (\$100.00)** plus a **Twenty Dollar (\$20.00)** inspection fee.

38-5-21 CAPACITY OF SEWER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-22 COST OF INSTALLATION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

38-5-23 INDEPENDENT BUILDING SEWER REQUIRED. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

38-5-24 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Superintendent, to be of similar material and construction to that required of new sewers.

38-5-25 SIZE AND ALIGNMENT. 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. (See Appendix)

38-5-26 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-5-20** and discharged to the building sewer.

38-5-27 DOWNSPOUTS PROHIBITED. 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.

38-5-28 BUILDING SEWER; PLUMBING CODE. 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 Sewer Superintendent before installation.

38-5-29 NOTIFICATION FOR INSPECTION. The applicant for the building sewer permit shall notify the Sewer Superintendent when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer, and the Village shall make an inspection within **twenty-four (24) hours**. The connection shall be made under the supervision of the Sewer Superintendent or his representative.

38-5-30 BARRICADES AT EXCAVATIONS. All excavations for building sewer installation shall be adequately guarded with barricades and lights to 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.

38-5-31 - 38-5-34 RESERVED.

DIVISION V

USE OF PUBLIC SEWERS

38-5-35 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-36 STORM WATER DISCHARGE. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, or natural outlet.

38-5-37 PROHIBITED DISCHARGES TO SEWERS. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

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

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

38-5-38 INDUSTRIAL DISCHARGES. No industrial user may discharge sewage into any public sewer until the Village has adopted an industrial cost recovery system which:

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

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

38-5-39 **SPECIFIC SUBSTANCES PROHIBITED.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and 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 Superintendent in compliance with applicable State or Federal regulations.

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

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

(J) Any cyanide in excess of **2.0 mg/l** at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.

(K) 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.

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

38-5-40 APPROVAL OF PROHIBITED WASTES.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-39** of this Division, and/or which are in violation of the standards for pretreatment provided in **Chapter 1, "EPA Rules and Regulations", Subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973** and any amendments thereto, and which in the judgment of the Village 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 38-5-45**.

(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.

38-5-41 GREASE AND OIL INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

38-5-42 FACILITY MAINTENANCE. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-43 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-44 LABORATORY ANALYSES.

(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 wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Superintendent at such times and in such a manner as prescribed by the Superintendent. The owner shall bear the expense of all measurements, analyses, and reporting required by the Superintendent. At such times as deemed necessary the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-5-45 TESTING REQUIREMENTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **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.)

38-5-46 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.

38-5-47 - 38-5-49 RESERVED.

DIVISION VI

PROTECTION OF SEWAGE WORKS FROM DAMAGE

38-5-50 **UNAUTHORIZED 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.

38-5-51 **RESERVED.**

DIVISION VII

POWERS AND AUTHORITY OF INSPECTORS

38-5-52 **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 sewers or waterway or facilities for waste treatment.

38-5-53 **OBSERVATION OF SAFETY RULES.** While performing the necessary work on private properties referred to in **Section 38-5-52** 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 38-5-43**.

38-5-54 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.

38-5-55 RESERVED.

DIVISION VIII - EXTENSION OF MAINS

38-5-56 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION. The Village Board shall first determine if an extension of a sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will be served by the extension. If the extension is economically feasible, then the 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 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 extension to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

38-5-57 REQUIREMENTS IF EXTENSION IS INSTALLED BY SOMEONE OTHER THAN THE VILLAGE.

(A) The Village must approve all plans and specifications for any extensions.

(B) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Environmental Protection Agency.

(C) Ownership, rights-of-way, and title must be conveyed to the Village for all extensions installed by anyone other than the Village. The Village will maintain the mains thereafter.

(D) No extension will be permitted if in the opinion of the Village Board, the System does not have necessary capacity to serve the proposed extension.

38-5-58 - 38-5-59 RESERVED.

DIVISION IX

INDUSTRIAL COST RECOVERY

38-5-60 CHARGE FOR DISCHARGE. Each industrial user, as defined, whose premises are served by a sewer connection which discharges industrial wastewater or other liquids, either directly or indirectly, into treatment works under jurisdiction of the Village shall be subject to an industrial cost recovery charge for the State share of Illinois Environmental Protection Agency construction grants. such grants obtained by the Village for the financing of the construction of wastewater treatment works shall be allocable to the treatment of the wastewater from such user. Such user's share shall not include an interest component.

38-5-61 ATTRIBUTABLE COST. An industrial user's portion of any State grant shall be based on the population equivalents attributable to wastewater of such user tributary to the wastewater treatment works of the Village. The population equivalents shall be determined by the following calculations:

(A) **Volume Population Equivalent.** The average daily rate of water consumption as determined by the consumption records of the past year divided by **one hundred (100) gallons** per day, or, where water consumption does not reflect the actual quantity of wastewater tributary to the treatment works from such user, then the average daily flow as recorded in the control and measurement structure, required by **Section 38-4-25** of this Code, divided by **one hundred (100) gallons** per day.

(B) **BOD Population Equivalent.** The average daily pounds of **five (5) day** biochemical oxygen demand (BOD) in the wastewater, as determined by the Superintendent in accordance with **Section 38-4-21** of this Code, divided by **seventeen-hundredths (0.17) pounds** of BOD per day.

(C) **SS Population Equivalent.** The average daily pounds of suspended solids in the wastewater as determined by the Superintendent in accordance with **Section 38-4-25** of this Code, divided by **twenty-two hundredths (0.22) pounds** of suspended solids per day.

38-5-62 COST PER CAPITA. The dollar cost per capita shall be determined as follows:

(A) Divide the total of grant funds received from the State of Illinois for construction of or expansion of the sewerage system by the Population Equivalent capacity of the sewerage system, as then currently determined by the State of Illinois Environmental Protection Agency; and further, to divide the above total by the number of years of useful life of the construction of or improvements to the sewerage system, being **thirty (30) years.**

(B) The above cost per population equivalent per year shall be further subdivided on the basis of average flow volume discharged, average pounds of BOD discharged, and average pounds of suspended solids as follows:

- (1) Determine the cost attributable to the discharge of flow volumes by multiplying the total cost per population equivalent per year by 0.70.
- (2) Determine the cost attributable to the discharge of BOD quantities by multiplying the total cost per population equivalent per year by 0.15.
- (3) Determine the cost attributable to the discharge of suspended solids quantities by multiplying the total cost per population equivalent per year by 0.15.

38-5-63 COST FOR INDUSTRIAL USER. The cost to be recovered from an industrial user shall be determined as follows:

(A) The summation of the product of the volume population equivalent, as determined by **Section 38-5-61(A)**, and the cost per population equivalent per year attributed to the discharge of flow volumes, as determined by **Section 38-5-62.**

(B) And the product of the BOD population equivalent, as determined by **Section 38-4-21** and the cost per population equivalent per year attributable to the discharge of BOD quantities, as determined by **Section 38-5-62.**

(C) And the product of the SS population equivalent, as determined by **Section 38-4-27** and the cost per population equivalent per year attributable to the discharge of suspended solids quantities, as determined by **Section 38-4-21.**

38-5-64 **PAYMENTS.** Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the cost recovery amount determined by **Section 38-5-63**, for such industry divided by the recovery period. Where an industry is connected to a public sewer after the start-up of the facilities constructed under a State grant, such industry shall only pay its portion of the State grant for each payment period remaining in the recovery period. Such industry will not be required to pay for those periods of the recovery period prior to connection to a public sewer. In the event an industrial user discontinues use of the treatment works, its cost recovery payments shall cease.

38-5-65 **BILLABLE PERIOD.** For the purpose of industrial cost recovery, the calendar year shall be divided into monthly periods, said periods to begin on the **first (1st) day** of each month, and all industrial users of the Village shall pay the costs, as determined by **Section 38-5-63**, for industrial cost recovery and such payments shall be made in equal amounts monthly on the **first (1st) day** of the month immediately following the expiration of the monthly period for which service has been supplied, and such charge shall be payable within **ten (10) days** after rendition thereof, and in the event such bills are not paid within said **ten (10) days**, a service charge of **ten percent (10%)** shall be added thereto.

38-5-66 **DELINQUENT CHARGES.** In the event the charges for industrial cost recovery are not paid within **twenty (20) days** after the rendition of that bill, then such service charges shall be deemed and are declared to be delinquent, and thereafter such delinquent charge shall constitute a lien upon the real estate for which such sewer services were applied. The Clerk of the Village is authorized and directed each month to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Sangamon County, Illinois, and the filing of such statements shall be deemed notice of a lien for the payment of such charges for sewer service. If the delinquency in the payment of the recovery cost continues for a period of more than **twenty (20) days**, the sewer service shall be discontinued.

38-5-67 **INITIAL PAYMENT.** The initial payment made by any industrial user which is connected to a public sewer after the start-up of the treatment works constructed with a State Grant shall be made by the next scheduled due date as defined in **Section 38-5-65** and shall be equal to **one-twelfth (1/12)** of the amount as defined in **Section 38-5-63**.

38-5-68 **CHANGE IN STRENGTH.** If there is a change in the strength and/or volume introduced into the treatment works by an industrial user as determined by the previous year's records, the Village shall adjust the user's portion of any State Grant accordingly. Such change shall be as determined by **Sections 38-5-63** and **38-5-64** of this Code. An industrial user's portion of any State Grant shall include any firm commitment to the Village of increased use by such user.

38-5-69 **EXPANSION COSTS.** If there is an expansion or upgrading of the treatment works utilizing a State Grant, each existing industrial user's share shall be adjusted accordingly.

38-5-70 **NO CHARGE FOR UNUSED OR UNRESERVED CAPACITY.** An industrial user's portion of any State Grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

38-5-71 **COMMITMENT FOR INCREASED USE.** An industrial user's portion of any State Grant shall include allowance for the cost of any firm commitment to the Village for any increased use by such user.

38-5-72 **VILLAGE'S PORTION.** The Village shall retain **fifty percent (50%)** of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the State of Illinois Anti-Pollution Fund on an annual basis.

38-5-73 **ALLOCATION OF RETAINED EARNINGS.** A minimum of **eighty percent (80%)** of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs, as determined by the Illinois Environmental Protection Agency, of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Statutes of the State of Illinois and regulations pursuant thereto. The Village shall obtain the written approval of the Illinois Environmental Protection Agency prior to commitment of the retained amounts may be used as the Village sees fit for the operation and maintenance of the treatment works associated with the project.

38-5-74 **INVESTMENT OF FUNDS.** Pending use, the Village shall invest the retained amounts for expansion and reconstruction in:

- (A) Obligations of the U.S. Government or the State of Illinois; or
- (B) Obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof or the State of Illinois or any agency thereof; or
- (C) Shall deposit such amounts fully collateralized by obligations of the U.S. Government or the State of Illinois or by obligations fully guaranteed as to principal and interest by the U.S. Government of any agency thereof or the State of Illinois or any agency thereof.

38-5-75 TREASURER'S DUTY. The Treasurer shall be responsible for the investment and expenditure of all monies collected for industrial cost recovery in accordance with this Code.

38-5-76 VILLAGE CLERK'S RECORDS. The Clerk shall maintain the necessary records for determination of the user's share of the cost and shall provide the billing and collection services as required by **Sections 38-5-65** and **38-5-66** of this Code. The Village shall independently audit the industrial cost recovery system annually and shall maintain all records for the duration of the cost recovery period. The Illinois Environmental Protection Agency or any authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the industrial cost recovery system of the Village for the purpose of making audit, examination, excerpts and transcriptions thereof.

38-5-77 SUPERINTENDENT'S MONITORING. The Superintendent shall maintain a program of monitoring industrial user discharges, as the Superintendent deems necessary, provided that any major contributing industry shall be monitored no less than **twelve (12) times** annually and any industrial user that has a population equivalent, as determined by **Section 38-5-21**, greater than or equal to **fifty (50)** shall be monitored no less than once annually. All the industrial users shall be monitored at such frequency as deemed necessary by the Superintendent. Monitoring shall consist of taking and testing grab samples or **twenty-four (24) hour** composite samples as deemed necessary by the Superintendent for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent in accordance with the provisions of this Chapter.

38-5-78 - 38-5-80 RESERVED.

DIVISION X

PENALTIES

38-5-81 **PRESCRIBED VIOLATION.** Any person found to be violating any provisions of Divisions II through V and Division VII of this Code 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 Code.

38-5-82 **CONTINUED VIOLATION.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-56**, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-83 **LIABILITY OF PERSON.** Any person violating any of the provisions of this Code shall become liable to the Village by reasons of such violation.