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## CHAPTER 13: WATER AND SEWER

### Article 1 – Services

**Sec. 13.101 Application for Services and Deposits:** Sewer and Water Service shall be furnished only to Village users upon filing of an application and sewer and water user's agreement with the Clerk of the Village upon a form to be supplied by the Village. When any application is made for utility services in accordance with the provisions of this Chapter, the applicant for whom such service is requested shall pay a deposit in the amount of \$75.00 with the application for each account or meter unless that applicant is the record title holder of the property to be served and the applicant is not seeking service following a disconnection of service for non-payment of a bill or bills or for untimely payment. The deposits made under the provisions of this Chapter shall be held by the Village as security for the payment of utilities 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 be refunded with no interest if the service is being terminated and all bills have been paid when due.

*Revised: January 2010 Ord. #558*

#### **Sec. 13.102 Rates:**

1. Water and sewer charges shall be as follows:

For usage of:

From 0 to 1,000 gals. Water (minimum):

\$4.00

Over 1,000 gals. Water:

\$4.00 plus \$.40 per 100 gals. or fraction thereof over 1,000 gals.

2. If user does not also use the Village sewer services, the charges shall be as follows:

For usage of:

From 0 to 1,000 gals. Water (minimum):

\$8.00

Over 1,000 gals. Water:

\$8.00 plus \$.80 per 100 gals. or fraction thereof over 1,000 gals.

3. For use of:

From 0-1,000 gals. Sewer (minimum):

\$16.00

Over 1,000 gals. Sewer:

\$16.00 plus \$.30 per 100 gals. or fraction thereof over 1,000 gals.

4. For property which has not been annexed into the Village of Deer Creek use of:

From 0-1,000 gals. Water (minimum):

\$30.00

Over 1,000 gals. Water:

\$30.00 plus \$.80 per 100 gals. or fraction thereof over 1,000 gals.

From 0-1,000 gals. Sewer (minimum):

\$30.00

Over 1,000 gals. Sewer:

\$30.00 plus \$.80 per 100 gals. or fraction thereof over 1,000 gals.

*Revised: January 1990 Ord. #349*  
*Revised: November 2000 Ord. #464*  
*Revised: September 2003 Ord. #493*  
*Revised: August 2004 Ord. #507*  
*Revised: June 2006 Ord. #518*  
*Revised: June 2008 Ord. #536*  
*Revised: July 2009 Ord. #549*

**Sec. 13.103 Initial and Minimum Charges Whether Sewer and Water Used or Not:** The rates shall be paid by each customer who has requested water and sewer service beginning at the time the Village makes the service available to the customer. The minimum rate will be paid by the owners of improved lots even though they may not be connected to the system, provided the service is available from the Village. In the event of the demolition or destruction of the improvements on any premises a Customer may disconnect from the water-sewer system by giving 30 days written notice to the Village Clerk of his intent to do so. Any person seeking to re-establish service to such premises shall be required to pay the fee for the initiation of metered services and a one-time inspection fee in the same manner and amount as is hereafter required for new service. The fees for the initiation of metered services shall be Nine Hundred Dollars (\$900) for each metered service to property in which an application for service has been filed. The one-time inspection fee will be One Hundred Dollars (\$100). For meters larger than one inch the fee for the initiation of metered services will be the actual cost of installing the meters and appurtenance plus any additional expenses incurred and deemed necessary by the Water Superintendent.

*Revised April 19, 2005 Ord. 511*  
*Revised January 2010 Ord. 558*

**Sec. 13.104 Failure to Receive Bill:** Failure to receive a bill or a notice of disconnection shall not excuse a customer from his obligation to pay within the time specified. Should the Village be unable to bill a customer for services used during any month, the next billing shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately thirty days.

**Sec. 13.105 Estimated Charge:** Whenever any meter, by reason of it's being out of repair or from any cause, fails to properly register the water and sewer use passing through the same, the consumer shall be charged the average usage charge of the previous three months. If no record of the previous three months exists, then it shall be the duty of the Collector 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.

**Sec. 13.106 Village's Responsibility and Liability:**

a) Ownership, Installation and Maintenance: The Village shall install, own and maintain the complete sewer and water system, mains and services lines to the property line or a mutually agreed upon point subject to the Village Council's determination that a particular service is economically feasible to install. The Village shall furnish, install and maintain a meter and appurtenances including a shutoff valve. The shutoff valve shall be installed on the user's property line or such other point determined by the Village representative. The Meter shutoff valve must be located at a point where it is readily accessible.

(b) Refusal of Service: The Village may at any time refuse additional service to any applicant if, in the judgment of the Village Council, the capacity of the system will not permit such use.

(c) Liability: All sewer and water service supplied by the Village shall be upon the express condition that the Village shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of sewer and water for repair, relocation, or expansion of any part of the systems, or failure of any part of the systems or for concentration of water for such purposes as firefighting or restricted use of water and sewerage.

(d) Use of Water and Sewerage on User's Premises: The Village shall reserve the right to use the water and sewerage from the user's facilities at any time deemed necessary. No charge shall be made by the user for the use of his facilities and no charge shall be made by the Village for the water and sewerage used by the Village.

### **Sec. 13.107 User's Responsibility for:**

a) Installing and Maintaining Service Lines: The user shall be responsible for installation and maintenance of service lines between the curb stop and the residence or business. Such service lines must be at least 3/4" in diameter, and must be installed at a minimum depth of four (4) feet. Service lines must have a minimum working pressure rating of 120 psi at 73.4° F and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines must not be covered until they are inspected and approved by a duly authorized Village representative. The user will not connect any service line or any plumbing connected with the service line to any other water or sewer source. The service line must meet any requirements of the State of Illinois, Department of Public Health.

(b) Provisions for Location of Meter: The user shall permit the meter to be located upon his property.

(c) Easements: The user shall give such easements and rights-of-way as necessary to the Village and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the systems. The necessity shall be determined by the Village Council.

(d) Damage to Village Property: No user or person shall tamper, adjust, damage, or in any manner interfere with the components or operation of the systems owned by the Village. The shutoff valves shall be opened only by a duly authorized representative of the Village. Penalty for tampering, damaging, adjusting, or in any manner interfering with the components or operation of the systems shall be up to \$500.00, payable to the Village. If the penalty is not paid within 30 days after the amount is determined, the Village shall shutoff the service. The amount of penalty shall be determined by the Village Council. In addition to the penalty, the user responsible shall reimburse the Village for the actual cost or repairing any damage arising from the user's act. Users shall report any known evidence of tampering, adjusting, damaging, or interference with operation of the systems owned by the Village to the President or the Village Council. Any malicious act or damage to the systems that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.

(e) Specified Uses of Water: Water purchased from the Village may be used for ordinary domestic, industrial or farm use upon the premises of the user provided:

(1) No user shall resell or permit the resale of water purchased from the Village.

(2) If more than one family unit is located upon the premises that are served by the Village water and/or sewer system then the user shall make application for each family unit. A separate cut off valve, meter and service line shall be installed for each family unit, i.e., a trailer park, duplex or apartment house shall have a separate service for each family unit. However, if a separate cut off valve, meter and service

line is not installed for each family unit on any structure that exists as of October 20, 1992 then the Village Council may authorize water and sewer service to be rendered to the multiple family unit if the property owner(s) is billed for the actual gallons used divided by the number of family units or the minimum monthly charges times the number of family units, whichever is greater. A separate bill shall be rendered to the property owner(s) for each family unit.

*Revised: October 1992 Ord. #365*

### **Sec. 13.108 Extension of Mains:**

- (a) Determination of Who Pays Expense of Extension: The Village Council shall first determine if an extension of a water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible, then the Village may install and pay the cost of the extension at the discretion of the Village Council. If the Village elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent of the Village Council. 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.
- (b) Requirements if Extension is Installed by Someone Other Than the Village:
- (1) The Village must approve all, plans and specifications for any extensions.
  - (2) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Department of Public Health and all require permits.
  - (3) 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.
  - (4) No extension will be permitted if, in the opinion of the Board of Trustees, the system does not have the necessary capacity to serve the proposed extension.

### **Sec. 13.109 Change of Occupancy:**

- (a) Notice to Village: Any user requesting a termination of service shall give notice to the Village ten (10) days prior to the time such termination of service is desired. The meter shall be read by the Village and the user will be billed
- (b) Liability of Charges: The owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable to the Village therefore.

### **Sec. 13.110 Payment of Bills:**

- (a) Date Due: The meters will be read by the Village on or about the 24th day of each month. If weather conditions or other circumstances prevent the reading of meters, then each water bill will be estimated by the Village. Bills will be mailed on or about the fourth day of each month and will be delinquent 15 days after mailing.
- (b) Penalties for Late Payment: There will be a ten (10) percent penalty added to each bill that is unpaid by the last day of the month the bill is due. If the bill remains unpaid 30 days after mailing, the water supply to the property affected may be shut off by the Village and the service will not be restored until the delinquency and penalty is paid in full. In addition,

a Fifty-dollar (\$50.00) service fee will be added to cover the cost of restoring services. There will be a Twenty-five dollar (\$25.00) service charge for all checks returned for non-payment. The second check returned for non-payment within one year shall be deemed a deceptive practice and shall be forwarded to the appropriate States Attorney's Office for prosecution. Subsequent bills shall be paid by cash, certified check, cashier's check or money order. Bills remaining unpaid 30 days after such rendition shall constitute a lien upon the real estate to which the service has been rendered. The Village Clerk or Collector is authorized to file a Notice of such lien in the Office of the Recorder of Tazewell or Woodford County, Illinois, and to pursue such legal action as is necessary to collect the delinquent charges. The Clerk or Collector shall file a statement of lien in the Office of the Recorder, Tazewell County or Woodford County, after directed by the Village Council. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges for water and sewer service subsequent to the period covered by the bill. Further, the Village Clerk or Collector shall take such legal action to collect delinquent charges as shall be directed by the Village Council. Any legal fees or expenses incurred in pursuing such action as is deemed reasonably and necessary to or proper to collect the delinquent charges shall be added to the bill and become a part thereof. Any fees charged by the Tazewell County Recorder or Woodford County Recorder for the filing of such Notice of Lien shall be added to the bill and become a part thereof. Failure of the Village or representative thereof to discontinue or terminate water service after the delinquency shall not relieve the user or owner from the obligation to pay for water service and penalties and charges with reference thereto up to the date of termination. The failure of the Clerk or Collector to record a lien claim or to mail such notice or the failure of the owner to receive such notice shall not affect the rights to foreclose the lien for unpaid water bills as provided for herein. The lien herein provided may be foreclosed by the Village in the same manner as mortgages are foreclosed under the Statutes of the State of Illinois. The cost, reasonable attorney fees and expenses of such foreclosure and any such sale shall be first paid out of the proceeds of any sale of the premises pursuant to such foreclosure. The Village Attorney is hereby authorized to institute such proceedings in the name of the Village in any Court of competent jurisdiction having jurisdiction over such matters against property for which the water bill has remained unpaid after the delinquency date. Such action shall be initiated upon direction of the Village Council.

*Revised: October 1992 Ord. #365*

*Revised: January 2010 Ord. #558*

(c) Physical Disconnection of Service: In the event that a bill is unpaid thirty (30) days after mailing, the Village may physically disconnect the property from the Village water and sewer system. The property will not be allowed to be reconnected to the Village water and sewer system until such time as the fees that are required to connect to the Village of Deer Creek water and sewer are paid. In addition, reconnection shall not be allowed to be made to the Village water and sewer system until such time as the outstanding bill is paid. Water and sewer charges shall continue to be assessed against the property, in the minimum amount, once the property has been physically disconnected as provided for herein.

*Revised: July 1991 Ord. #355*

**Sec. 13.111 Not Liable for Interrupted Service:** The Village 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 Village shall not be liable therefore.

## Article 2 - Definitions

### Sec. 13.201 Definitions:

1. "B.O.D." (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C., expressed in milligrams per liter by weight.
2. "Building Drain" shall mean that part of the lowest horizontal 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, beginning outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
4. "Cesspool" shall mean a cavity in the ground, which receives human excrement and domestic wastewater.
5. "Chemical Oxygen Demand" or "C.O.D.": shall mean a measure of the oxygen-consuming capacity of inorganic matter present in water or wastewater.
6. "Village" shall mean the Village of Deer Creek, acting by its duly constituted Board of Trustees or other duly authorized representative or representatives.
7. "Village Sewer" shall mean any sewer owned or under the jurisdiction of the Village.
8. "Engineer" shall mean the Superintendent of the Village Sewage Disposal System, or his authorized deputy, agent, or representative.
9. "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.
10. "Industrial Wastes" shall mean any solid, liquid, or gaseous wastes or excess energy resulting from any process of industry, manufacturing, trade, or business or from the development, processing or recovery, except for agricultural crop raising, of any natural resource.
11. "Isolated Sewerage System" is a system for the collection, storage, and treatment of wastewater, which serves more than 15 persons.
12. "Mobile Home" or "Trailer Coach" shall mean any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy thereof, as a dwelling place for one or more persons, provided that any such structure resting in whole on a permanent foundation with wheels, tongue, and hitch permanently removed shall not be construed as a "Mobile Home" or "Trailer Coach".
13. "Multiple Dwelling Unit" shall mean any single structure designed for occupancy by more than a single family.
14. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
15. "Other Wastes" shall mean garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dye stuffs, acids, chemicals and all other substances not sewage or industrial waste whose discharge would cause water pollution or violation of any effluent or water quality standards.
16. "ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
17. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent or assigns.
18. "Population Equivalent" or "P.E." shall mean the amount of Biochemical Oxygen Demand contributed per capita per day and for the purpose of this Ordinance shall equal 0.17 pounds of Biochemical Oxygen Demand or B.O.D. per capita per day or such amount as may be determined by the Environmental Protection Agency of the State of Illinois.

19. "Private Sewerage System" is a system for the collection, storage, and treatment of wastewater or other wastes, which serves less than 15 persons.
20. "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 1/2 inch in any dimension.
21. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
22. "Residence" shall mean a single-family dwelling or one dwelling unit including a mobile home unit.
23. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.
24. "Seepage Pit" shall mean and include a dry well, leaching pit or any other cavity in the ground which receives human excrement and domestic wastewater or the liquid discharge of a septic tank.
25. "Septic Tank" shall mean and include a septic toilet, chemical closet or any other watertight enclosure used for storage.
26. "Servicing" or "cleaning" or "Maintaining" shall mean cleaning and removing wastes from any septic tank, seepage pit, cesspool or other sewage and waste treatment facility or removing wastes from any business, commercial or industrial establishment and transporting such wastes to a point of disposal.
27. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
28. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
29. "Sewer" shall mean a pipe or conduit for carrying sewage.
30. "Sewerage" is a comprehensive term including all construction for the collection, transportation, pumping, treatment and final disposition of sewage.
31. "Shall" or "May" Shall is mandatory; may is permissive.
32. "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 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.
33. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
34. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering.
35. "Tank" shall mean any container when placed on a vehicle or trailer to carry in transport wastes removed from a septic tank, cesspool, seepage pit, or other source.
36. "Treatment Works" or Sewage Treatment Plant" shall mean individually or collectively those facilities or devices, except sewers, used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of by-products from such wastewater.
37. "Wastewater" shall mean sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated.
38. "Wastewater Source" shall mean any equipment, facility, or other point source of any type, whatsoever which discharges wastewater.
39. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

### **Article 3 - Use of Public Sewers Required**

**Sec. 13.301 Unlawful to Discharge:** It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any wastewater or other wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

**Sec. 13.302 Unlawful to Construct:** 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.

**Sec. 13.303 Required to Connect:** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is located a public sewer, is hereby required to connect directly with the public sewer in accordance with the provisions of this ordinance within one year after the date of official notice to do so.

**Sec. 13.304:** No basement, half-basement or any other portion of a building having a floor elevation beneath the elevation of the rim of the next sanitary manhole upstream of the point of connection may be connected into the Village sewer by gravity. In areas where the ground line over the Village sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be four feet (4') below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the Village sewer, all sewage carried by such drain shall be lifted by approved mechanical means and discharged into the building sewer. No water-operated sewage ejector shall be used. The aforesaid provisions shall apply to all buildings constructed after June 1, 2003.

*Revised: May 2003 Ord. #487*

### **Article 4 - Private and Isolated Sewerage Systems**

**Sec. 13.401 Public Sanitary Sewer Not Available:** Where a public sanitary sewer is not available under the provisions above, the building sewer shall be connected to a private or isolated sewerage system complying with the provisions of this article.

**Sec. 13.402 Application Required:** Before commencement of construction of a private sewerage system, the owner shall first obtain a written permit from the Tazewell County Health Department. The application and requirements for obtaining such permit shall conform to the current requirements of the Tazewell County Health Department.

**Sec. 13.403 I.E.P.A. Approval:** Where isolated sewerage systems are to provide for more than 15 people, approval of the plans and specifications must be obtained from both the Environmental Protection Agency of the State of Illinois and the Village.

**Sec. 13.404 Public Sewer Becomes Available:** At such time as a public sewer becomes available to a property served by a private or isolated sewerage system, as provided above, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar sewerage facilities shall be abandoned and filled with suitable material.

**Sec. 13.405 Village Approval:** The owner shall operate and maintain the private and isolated sewerage facilities in a manner approved by the Tazewell County Health Department and at no expense to the Village.

**Sec. 13.406 Additional Requirements:** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by other Health Authorities.

### **Article 5 - Transporting and Disposal of Wastes to a Public Sewer**

**Sec. 13.501 Written Permit:** Except as hereinafter provided, no person shall transport and discharge wastewaters or other wastes from any tank, septic tank, seepage pit, cesspool, private or isolated sewerage system, treatment works, business, commercial or industrial establishment, to a public sewer or appurtenance, thereof, without first obtaining a written permit from the Engineer.

**Sec. 13.502 Village Option:** Wastewaters and other wastes, as described in Section 13.501 of this Article, originating from outside the corporate limits of the Village may be accepted for discharge to a public sewer at the option of the Village and the acceptance of such discharge may be canceled at any time without cause, and the discharge shall be immediately discontinued.

**Sec. 13.503 Testing:** Wastewaters and other wastes, as described in Section 13.501 of this Article shall be accepted for discharge to a public sewer only when they are found, on examination by the Engineer and in accordance with such tests as the Engineer may require, to meet all the requirements of this Chapter.

**Sec. 13.504 Waste Discharge Permit:** Prior to the discharge of any wastewater or other waste regulated by the provisions of this Article, any person desiring to discharge wastewaters or other wastes shall make application for a waste discharge permit for each individual discharge on a form furnished by the Village. The permit application shall be supplemented by any information considered pertinent in the judgment of the Engineer. Each permit application shall be accompanied by payment of a permit fee in any amount hereinafter provided. The permit issued must be in the possession of the person at the time the waste is discharged at the designated location.

**Sec. 13.505 Classes of Waste Discharge Permits, Fees:** There shall be two classes of waste discharge permits:

- (1) A Class I permit shall include wastes originating from within the corporate limits of the Village;
- (2) A Class II permit shall include wastes originating from outside the corporate limits of the Village. The permit fees shall be in amounts as determined as follows:

<u>Class</u>	<u>Fees</u>
I - Within corporate limits	\$4.00 per 1000 gallons or fraction thereof
II - Outside corporate limits	\$40.00 per 1000 gallons or fraction thereof

**Sec. 13.506 Industrial Waste:** Any wastewater or other waste regulated by the provisions of this Article, that is, of industrial origin or is classified an industrial waste may be subject to additional discharge fees as provided in any Village Ordinance setting forth industrial waste charges. In such cases, the person desiring to discharge such waste shall submit with the permit application any information, as may be required by the Engineer, to establish the nature and strength of the waste

including quality and quantity of all biological and chemical constituents. In no case shall the permit fee be less than those fees as determined in Section 13.505 of this Article.

**Sec. 13.507 License and Bond Required:** Before a permit shall be issued in accordance with the provisions of this Article, a person must first secure a license and a bond as hereinafter provided.

**Sec. 13.508 Bond Amount:** Any person who desires to discharge wastewaters or other wastes to a public sewer in accordance with the provisions of this Article shall provide a bond in the amount of Five Thousand Dollars (\$5,000.00) in the favor of the Village. Such bond shall be furnished on a form furnished by the Village and shall cover all permits issued for a period of one year.

**Sec. 13.509 License Fee:** Any person engaged in the business of servicing the facilities and transporting wastes, in accordance with the requirements of this Article, must apply for and be issued a license by the Village, granting permission to discharge wastes to a public sewer at a time and location designated by the Engineer. The cost of the license shall be Fifty Dollars (\$50.00) per year from May 1st to May 1st of each succeeding year.

**Sec. 13.510 Property Owner Election:** Nothing in this Article shall be construed to require a license and bond for any property owner within the corporate limits of the Village, where such property owner elects to service his own facility and transports the wastewaters or other wastes collected therefrom to a designated public sewer. Such property owners shall meet all other provisions of this Ordinance.

**Sec. 13.511 Residential Permit Fee Exemption:** Where it has been determined to the satisfaction of the Engineer that the wastewaters or other wastes to be discharged are classed as residential or domestic wastes originating from within the corporate limits of the Village, such wastes shall be exempt from payment of the specified permit fees, provided such wastewaters or other wastes are in conformance with all other provisions of this Article.

**Sec. 13.512 Additional Requirements:** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by other Health Authorities.

**Sec. 13.513 Violations:** Any person who violates any provision of this Article shall be subject to a revocation of the required license and other penalties as may be prescribed in this Chapter.

## **Article 6 - Building Sewers and Connections**

**Sec. 13.601 Unlawful to Uncover:** It shall be unlawful to uncover, make any connection with or opening into, use, alter, or disturb any public sewer, or appurtenances thereof except as provided in accordance with the provisions of this Article, and the requirements of the State, Federal or other public agencies of jurisdiction.

**Sec. 13.602 Written Permit Required:** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb sewer or appurtenances thereof without first obtaining a written permit from the Engineer and such other permits as may be required by State, Federal or other agencies of jurisdiction.

**Sec. 13.603 Classes of Sewer Permits, Fees:** There shall be two classes of building sewer permits:

- (1) A Class I permit shall include a building sewer to a residence;
- (2) A Class II permit shall include building sewers to all other buildings based upon floor area.

In any case, the owner or his agent shall make application on a form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Engineer. The permit and inspection fee shall be paid to the Village in amounts to be determined as follows:

	<u>Class</u>	<u>Fees</u>
Class I	Residence	25.00
Class II	All other buildings based on floor area as follows:	
	Less than 1000 sq. ft.	50.00
	1000 sq. ft. or more but less than 5000 sq. ft.	75.00
	5,000 sq. ft. or more but less than 10,000 sq. ft.	100.00
	10,000 sq. ft. or more but less than 50,000 sq. ft.	150.00
	50,000 sq. ft. or more	200.00

**Sec. 13.604 License and Bond Required:** Before a permit shall be issued, a person must first secure a license and a bond as hereinafter provided.

**Sec. 13.605 Bond Amount:** Any person who desires to make a connection of any kind to sewers within the Village shall provide a bond in the amount of Ten Thousand Dollars (\$10,000.00) in favor of the Village and written on the proper bond forms provided by the Village. Bonds for persons in the business of building sewers and sewer connections shall cover all permits issued and work done during the life of the bond. Bonds for all others not engaged in the business of building sewers and sewer connections shall be good only for the permit issued and work to be done.

**Sec. 13.606 License Fee:** Repealed

**Sec. 13.607 Refusal to Correct:** Any person who shall neglect, refuse, or fail to correct any defect in workmanship following a thirty day (30) notice to make such correction shall be notified of cancellation of the sewer license and all permits outstanding.

**Sec. 13.608 Valid for One Year:** All permits issued for building sewers or sewer connections shall be valid for one year after date of issue shown on the permit. If the work is not completed during the one-year period, the permit is canceled and a new permit must be issued. Upon completion and approval of the work, the permit shall be given to the property owner.

**Sec. 13.609 Construction Specifications:** All building sewers and sewer connections shall be made by an Illinois-licensed plumber and also, connections will be constructed in accordance with the specifications and the regulations described in "Building Sewer Regulations" as approved and adopted by a resolution of the Village Council.

**Sec. 13.610 Downspouts:** No downspouts, open drains, footing tile, septic tank or cesspool shall be connected to a building sewer, nor shall any storm water source discharge to a sanitary sewer. Storm

water drains shall be connected to a storm sewer, if possible, or otherwise discharged to the surface of the property or street.

**Sec. 13.611 Drain Plugs Required:** Building sewers subject to flooding or ponding conditions, shall be provided with drain plugs, valves or other approved device to protect the sanitary sewer and the property owners building during heavy rain or high water periods. Exposed drain lines shall be protected from freezing as directed by the Engineer.

**Sec. 13.612 Separate Sewers Required:** Except as may be otherwise provided and approved by the Engineer, a separate and independent building sewer shall be provided for every building.

**Sec. 13.613 Sewer Grade:** Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

**Sec. 13.614 Approved Lifts Required:** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by means approved by the Engineer and discharged to the building sewer.

**Sec. 13.615 Open Trench:** All excavations required for installation of a building sewer shall be open trench work unless otherwise approved by the Engineer. Pipe laying and the manner of making watertight joints and connections shall be in accordance with the specifications and regulations of the Village. No sewer connections shall be backfilled until the work has first been inspected and approved.

**Sec. 13.616 Connection at Opening Provided:** The connection of the building sewer into a public sewer shall be made at the place and in the opening as provided and indicated by the Engineer. In the event that no such opening is available, a connection may be made by “tapping” the Village sewer in accordance with the specifications and regulations of the Village.

**Sec. 13.617 Inspection Notification:** The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Engineer or his authorized representative.

**Sec. 13.618 Barricades:** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

## **Article 7 - Use of Public Sewers**

**Sec. 13.701 Regulations Imposed:** No person shall discharge or cause to be discharged any wastewater or other wastes, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water except in accordance with the provisions of this Article and such regulations imposed by State, Federal, or other public agencies of jurisdiction or otherwise approved by the Engineer.

**Sec. 13.702 Storm Water:** Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water and all other unpolluted drainage shall be discharged to such sewers as are specifically

designated storm sewers, or to a natural outlet approved by the Engineer. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Engineer, to a storm sewer or natural outlet.

**Sec. 13.703 Wastes Prohibited:** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Flammable material: Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Toxic Material: 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) Corrosive Material: Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Material Capable of Obstruction: 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.

**Sec. 13.704 Wastes Prohibited In the Opinion of the Engineer:** 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 Engineer, that such wastes can harm either the sewers, treatment works 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 Engineer 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 treatment works process, capacity of the sewage works, degree of treatability of wastes in the treatment works, regulations imposed by State, Federal and other public agencies of jurisdiction, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150° degrees F. (65° degrees C.)
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing may solidify or become viscous at temperatures between 32° F. and 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 3/4 horsepower or greater shall be subject to the review and approval of the Engineer.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, cyanide, chromium, copper, zinc, mercury, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite waste-water at the treatment works exceeds the limits established by the Engineer for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Engineer 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 Engineer in compliance with applicable State or Federal regulations.

(h) Materials which exert or cause:

1. Unusual concentrations of 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 treatment works.

4. Unusual volume of flow or concentration of wastes constituting "slug" as defined herein.

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

**Sec. 13.705 Options of Engineer:** 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 Sections 13.703 and 13.704 of this Chapter, and which in the judgment of the Engineer, 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 Engineer may:

(a) Require complete engineering studies and evaluations of all or any part of an industrial process or operation including data pertaining to the nature, character and strength of wastes, flows, production or other data as may be required to provide a comprehensive evaluation.

(b) Reject the wastes.

(c) Require pretreatment to an acceptable condition for discharge to the public sewers.

(d) Require control over the quantities and rates of discharge.

(e) Require reduction of the quantities and rates of discharge.

(f) Require payment to cover the added cost of handling and treating the wastes as hereinafter provided.

**Sec. 13.706 Pretreatment:** If the Engineer 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 Engineer, and subject to the requirements of all applicable codes, ordinances, and laws.

**Sec. 13.707 Maintenance of Pretreatment Facilities:** Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Sec. 13.708 Grease:** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and 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 Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be maintained by the owner at his expense, in continuously efficient operation at all times.

**Sec. 13.709 Interceptor Construction:** Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

**Sec. 13.710 Industrial Wastes:** No person shall discharge or cause or permit to be discharged into any public sewer or into any sewer, the flow of which is directly or indirectly discharged into any public sewer, industrial wastes which have not been approved by the Village and, where required, other agencies of jurisdiction. In all cases of a new discharge or an existing discharge whereby the nature, strength or flow of the discharge is changed, altered or modified, the Village shall be notified in writing and complete plans and specifications or other required information shall be submitted for approval by the Village and other agencies of jurisdiction. In addition, where applicable, there shall be paid to the Village by the producer of such industrial wastes and sewage, the fair additional construction, maintenance and operating costs over and above the construction, maintenance and operating costs covered by normal taxes, for the treatment and purification of such industrial wastes.

**Sec. 13.711 Manhole and Meters Required:** When required by the Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, shall be constructed in accordance with plans approved by the Engineer. 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.

**Sec. 13.712 Measurements and Tests:** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.

**Sec. 13.713 Expense to Waste Producer:** The Engineer may require that all analytical tests which are determined to be necessary to provide the nature and strength of any waste be performed by a private laboratory that is acceptable to the Village. In such cases, the waste producer shall be required to pay all costs for the tests and furnish the results so obtained to the Village.

## **Article 8 - Powers and Authority of Inspectors**

**Sec. 13.801 Powers and Authority:** The Engineer and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurements, sampling and testing, in accordance with the provisions of this ordinance.

## **Article 9 - Damage to Public Sewer**

**Sec. 13.901 Damage:** No person shall willfully, maliciously or negligently break, deface, destroy, or injure any Village sewer, manhole, or other appurtenance thereto, or any pumping station or treatment works.

#### **Article 10 - Penalties**

**Sec. 13.1001 Written Notice:** Any person found to be violating any provision of this ordinance 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.

**Sec. 13.1002 Fine Imposed:** Any person who shall continue any violation beyond the time limit provided for above shall be fined in an amount not less than Seventy Five Dollars (\$75.00) and no 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.

**Sec. 13.1003 Liability For Expense, Loss or Damage:** Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

#### **Article 11 - Validity**

**Sec. 13.1101 Conflict:** To the extent that any existing ordinance or regulation is in conflict with any of the foregoing provisions, said ordinance or regulation be and the same hereby is repealed.

**Sec. 13.1102 Severability:** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

#### **Article 12 - Building Sewer Regulations and Definitions**

**Sec. 13.1201:** A Building Sewer is the private property owner's sewer serving residential, commercial, or industrial property and shall be located whenever possible within the property lines of the owner.

**Sec. 13.1202:** All Building Sewers shall be constructed in accordance with the Ordinances of the Village and the rules and regulations of the Illinois Department of Public Health.

**Sec. 13.1203:** A Building Sewer Permit issued by the Village does not authorize the opening of any highway, street, or alley without first notifying the proper State, County, Township or Village Highway Department, and securing a permit as required by said Highway Department.

**Sec. 13.1204:** The Building Sewer shall be connected to the Village sewer at an existing wye, tee, stub or riser location as provided in the Sewer Permit. Such connection, location, depth or other information given by the Village shall serve only as a guide, however, and no guarantee of accuracy is made by the Village. Connection to a Village sewer where there is no existing wye, tee, stub or riser, or where such inlet location, cannot be found, shall be made by tapping the line and setting an approved precast saddle on the existing sewer in a manner satisfactory to the Village Sewer Superintendent. Any breaks, cracks, or irregularities in the existing inlet connection pipe shall be reported to the Village before a connection is made with the Building Sewer. Failure to report such irregularity shall make the

sewer builder responsible for such damage and repair as might be discovered at a later date.

**Sec. 13.1205:** In general, the Building Sewers shall be 6-inch diameter bell and spigot clay pipe or 4-inch diameter bell and spigot cast iron pipe or Schedule 35 six-inch PVC with stainless saddle for connecting, conforming to the latest General Specifications of the Village Sanitary Sewer System. Branch connections to the Building Sewer may be 4-inch diameter approved clay or cast iron pipe. All pipe substitutions must be approved by the Village. Joints for vitrified clay pipe shall be precast on bell and spigot and shall conform to ASTM Specifications No. C-425. Joints for cast iron pipe shall be of the rubber gasket type meeting the Specifications of ASA 21.11-1964 or ASSA-CIII-64. Either mechanical or push-on joints may be used as approved by the Village. All pipes must be joined in accordance with the manufacturer's recommendations so that no storm water shall infiltrate into the sanitary sewer. A proper precast adapter shall be used when changing pipe diameters or joining different kinds of pipe.

**Sec. 13.1206:** Building Sewers shall have a minimum cover of no less than 30 inches in private property and 48-inches in public rights of way or private access roads. Approved slopes for 6 inch sewers shall be not less than nine inches per 100 feet and 12-inches per 100 feet for 4-inch branch sewers. Manholes or lampholes used for clean-out purposes on private Building Sewers shall have bolted lids and shall conform to the General Specifications of the Village. Lampholes or other similar clean out points shall have a cast iron casting set in concrete with a cast iron bolted lid equal to Neenah No. R-1974 or No. R-6461AL.

**Sec. 13.1207:** No downspouts, open drains, footing tile, septic tanks, or cesspools are to be connected to the Building Sewer, nor is any other source of storm water permitted into the sanitary sewers. Septic tanks or cesspools should be drained and filled with granular materials. Storm water drains should be connected to a storm sewer if possible, or otherwise designed to drain onto the surface of the property or the street. Building Sewers subject to flooding or ponding conditions shall be provided with drain plugs or valves to protect the sanitary sewers and the property owners building during heavy rain or high water periods. Exposed drain lines shall be protected from freezing as directed by the Village Sewer Superintendent.

**Sec. 13.1208:** Two or more structures are not permitted to use a joint Building Sewer.

**Sec. 13.1209:** Building sewers to service new structures shall be constructed as follows: The clay or PVC sewer pipe shall terminate at a point not closer than five feet from the outside of the structure. A connection shall be made at this point with an eight foot minimum length piece of cast iron soil pipe or Schedule 35 PVC, five feet of which shall extend outside the building wall or footing. The remaining three feet or more shall extend inside the building and shall be stoppered with a leaded blind plug poured in place before the cast iron pipe is laid in the ground. Under no conditions shall this plug be removed until the house is under roof and the interior plumbing is to be connected to the various approved fixtures in the building.

**Sec. 13.1210:** Building plans for all new or existing commercial or industrial buildings, showing plumbing lines, traps, clean-outs and fixtures, shall be submitted to the Village before a Building Sewer Permit is issued. Permit fees shall be determined by the area of the building.

**Sec. 13.1211:** All Sewer Permits shall be valid for one year after date of issue shown on the Permit. If work is not completed in this year, it shall be necessary to secure a new Permit. The Permit is to be

given to the property owner at the conclusion of the job.

**Sec. 13.1212:** The Village Sewer Inspection Superintendent, telephone number must be notified when the Building Sewer is under construction. Both the connections to the Village sewer and the pipe joint at the building outlet must be inspected before backfilling.

### **Article 13: Cross Control Regulations**

**Sec. 13.1301:** That all plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgment of the Water Operator, an approved back-flow prevention device is necessary for the safety of the public water supply system, the Water Operator will 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.

**Sec. 13.1302:** That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village, may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Operator and the Illinois Environmental Protection Agency.

**Sec. 13.1303:** That it shall be the duty of the Water Operator 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 years, or as often as the Water Operator shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

**Sec. 13.1304:** That 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 of the Village for the purpose of verifying the presence or absence of cross-connections, and that the Water Operator or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Water Operator 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 Water Operator, be deemed evidence of the presence of improper connections as provided in this article.

**Sec. 13.1305:** That the Water Operator of the Village is hereby authorized and directed to discontinued after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance 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 article, and until a reconnection fee of \$500.00 is paid to the Village. Immediate disconnection with verbal notice can be effected when the Water Operator 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 Water Operator or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Water Operator or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

**Sec. 13.1306:** That the consumer responsible for back-siphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

*Revised: April 1992 Ord. #357*

#### **Article 14 – Sump Pumps**

**Sec. 13.1401 Purpose:** This ordinance is adopted to set forth the procedures that will be used to enforce the provisions of the Environmental Protection Agency, which provides as follows: Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.

**Sec. 13.1402 Inspection Authorization:** The Superintendent of Public Works, or one or more of his designees, are authorized and directed to cause an inspection of the plumbing fixtures and facilities, downspouts, sump pumps, building drains, building sewers, yard drains, area drains and building or lit storm water, surface water or ground water drainage devices located on or used by premises located in the Village in an effort to locate conditions which would permit storm water, surface water or ground water to enter directly or indirectly the public sanitary sewer. In certain cases, an inspection may require more than one entry to the premises. The Superintendent of Public Works shall develop a plan to inspect premises in those areas that have experienced surcharging and those areas that may contribute to surcharging and shall implement said plan as soon as reasonably practical.

**Sec. 13.1403 Testing Procedures:** The Superintendent of Public Works, or one or more of his designees, be and they are hereby authorized and directed to cause "smoke tests", "dye tests", "TV monitor tests", or any combination of such tests to be conducted within any "area subject to surcharging and any area that may contribute to surcharging" in order to locate conditions which would permit storm water, surface water or ground water to enter a building sanitary drain, building sanitary sewer or public sanitary sewer, or if the exact location of such conditions cannot be determined, to at least determine if, during such tests, water of dye placed in or on any such premises or in any storm water collection or diversion device located on such premises, reaches the public sanitary sewer or is smoke pumped into the public sanitary sewer emerges from locations on private property. The aforesaid testing shall be paid for by the Village, provided the owner and occupant of the premises have provided access for and consented to the inspection of the premises as provided by the EPA. Notwithstanding any other provisions of this ordinance, in those cases where an owner resides in the premises, and there is more than one owner, the consent of one owner only is sufficient, and the consent of any other occupant is not needed. Each owner and occupant of a premise shall provide access in the premises to allow the inspection. Access for the purposes of this ordinance is

providing a cleanout as defined in Sections 890.740 and 890.750 in 77 Illinois administrative Code Chapter I, Subchapter r (1986) as now in effect or as may from time to time be amended. The owner and/or occupant must also remove any obstructions that prevent access to a cleanout. If upon first inspection the Village determines that the owner and/or occupant does not have a proper cleanout (or it is obstructed), then the owner and/or occupant shall within thirty (30) days thereafter install a proper cleanout (or remove the obstruction) and allow the Village to accomplish the inspection. In the event the owner and occupant of a premise do not consent to the inspection as provided in Sec. 13.1405, or provide access as defined in this Section, then the owner shall reimburse the Village for the cost of testing. The cost of said testing is determined to be five hundred dollars (\$500.00) and said amount shall be paid to the Village within thirty (30) days of the date the Village performed the testing. The payment of this cost shall not relieve the owner of a premise of the responsibility of otherwise complying with all of the terms of this ordinance.

**Sec. 13.1404 Court Action:** If the Village is unable to secure the consent of the owner or occupant of the premises to conduct the inspection described in Sec. 13.1402 (including the providing of proper access) then the corporation counsel of the Village is hereby authorized and directed to seek judicial authorization for the Village to enter the premises and conduct the inspection. In such action, corporation counsel may also seek reimbursement for the cost of testing.

**Sec. 13.1405 Procedure to Secure Authorization:** The Superintendent of Public Works, or one or more of his designees, shall notify the owner and occupant of a premises that the Village desires to inspect the premises for the purposes set forth in this chapter. If an owner resides in the premises, then notice need be given only to one owner and need not be given to any other occupant. Notification shall be by personal contact or by written notice sent by first class mail. In those cases where an owner does not reside in the premises, the owner shall be notified by first class mail. If there is more than one owner of a premise, notice may be given to one owner only, and it shall be deemed to be constructive notice to all other owners. Refusal to allow inspection shall be deemed to have occurred in the following events:

1. A verbal statement denying access for inspection made by an owner or occupant (if an owner does not reside in the premises) of the premises to the Village employee requesting such inspection;

2. In those cases where the Village has been unable to contact an (owner and the occupant (if an owner does not reside in the premises) in person, then if there is no response to the written notice by the owner and occupant (in those cases where an owner does not reside in the premises) within thirty (30) days of the date the Village has mailed the written notice, allowing the Village to make the inspection within said thirty (30) day period, refusal shall be deemed to have occurred. Refusal means that the owner and occupant (in those cases where an owner does not reside in the premises) have not permitted inspection within said thirty (30) day period.

**Sec. 13.1406 Notification of Action Required:** After the Village has inspected the premises, either by voluntary consent or pursuant to authorization received by court, the Village shall notify the owner by written notice sent by first class mail if there is any violation of the regulations according to the Environmental Protection Agency.

The owner shall have the following periods to correct any violation:

- (A) If a sump pump is hooked into the sanitary sewer, it shall be unhooked within ten (10) days of such notice.
- (B) If a perimeter tile (or more than one) is hooked into the sanitary sewer, then all of such tiles shall be disconnected within one (1) year of the date of such notice.

**Sec. 13.1407 No Extensions:** The time limits set forth in Sec. 13.1406 are deemed to be critical to the procedures set forth herein, and to the orderly elimination of the problems cited herein. Therefore, no extensions to the time limits will be allowed.

**Sec. 13.1408 Monetary Penalty for Violation:** Any person who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than five hundred dollars (\$500.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Ordinance shall continue.

**Sec. 13.1409 Service Disconnection:** In the event an owner and an occupant (in those cases where an owner does not reside in the premises) refuse to agree to the inspection of the premises, or otherwise fail to comply with any of the provisions of this Article, then the Village shall have the right to terminate the sewer service to the premises. In the event the Village elects to terminate the sewer service, the procedures set forth in section 13.1406 shall apply to any such termination.

**Sec. 13.1410 Judicial Enforcement:** In addition to any other remedies the Village has, it may elect to obtain an order from a court of competent jurisdiction requiring an owner to comply with the provisions of this ordinance.

**Sec. 13.1411 Election of Remedies:** Any of the provisions of Secs. 13.1408, 13.1409, and 13.1410 of this Article may be used by the Village, and they are not mutually exclusive.

**Sec. 13.1412 Owner Responsibility for Tenant:** In certain cases the occupant of a premise will not be the owner of the premises. Notice of actions required by this ordinance will be given to the owner of the premises. It shall be the responsibility of the owner to secure the consent and cooperation of all occupants for all procedures required by this ordinance, and if the owner does not or is unable to secure for any reason whatsoever the consent and cooperation of all occupants of a premises as to any procedure, then the owner shall be subject to all remedies provided for in this ordinance, and shall be responsible for the payment of all testing costs. Owner is used in the singular in this ordinance. Where there is more than one owner of a premises, notice need be given to only one owner, and consent may be obtained from one owner only. Occupant is used in the singular in this ordinance. Notice or consent need be given to or obtained from only one occupant in those cases where an owner does not reside in the premises. (This is in addition to the notice and consent required by an owner.)

**Sec. 13.1413:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. It is hereby declared to be the legislative intent of the Village Council that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

*Revised: May 1998 Ord. #432*