

## CHAPTER 38 - UTILITIES

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CHAPTER 38

UTILITIES

ARTICLE I – WATER AND WASTEWATER TREATMENT RATES

**38-1-1**        **SEPARATE WATER AND WASTEWATER TREATMENT SYSTEMS.** The existing waterworks system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made and the existing wastewater treatment system shall be maintained and operated as separate utilities, and charges or rates shall be established for the use of each system, which shall be reasonable and commensurate with the services performed by each system, and shall be sufficient to maintain, operate, provide an adequate depreciation fund and pay the principal and interest of any revenue bonds which may be issued, which by their terms are made payable from the revenues of the waterworks system or the wastewater treatment system. **(Ord. No. 09-19; 12-15-09)**

**38-1-2**        **SERVICE CHARGES.** Except as established by a council approved contract, there are established charges for the use of and for the services supplied by the water system of the City. Calculations of charges are made by rate tables and based upon the amount of water consumed and shown by City water meters. **(Ord. No. 09-19; 12-15-09)**

In addition to all other charges, there shall be charged to the customer the sum of **Twenty-Five Dollars (\$25.00)** for each customer’s check returned to the City for insufficient funds or other reason. Two or more such returned checks within a **six (6) month** period shall result in the requirement that all future payments to the City from that customer must be in form of either cash, money order or cashier check, unless otherwise authorized by the City Collector. All unpaid returned check charges shall be added to the customer’s account and shall constitute a lien on the customer’s property. **(Ord. No. 15-13; 10-06-15)**

**38-1-3**        **WATER SERVICE RATES.** Commencing with the first billing after **May 1, 2022**, the following monthly charges shall apply to those customers using water service of the City:

(A)            **Water Service - Inside City.**

First	2,000 gallons	\$ .00903 per gallon
Next	8,000 gallons	\$ .009131 per gallon
Next	10,000 gallons	\$ .007524 per gallon
Next	10,000 gallons	\$ .00659 per gallon
Over	30,000 gallons	\$ .005949 per gallon

The minimum charge for water service shall be **Eighteen Dollars Six Cents (\$18.06)** per month.

(B)            **Water Service - Outside City Limits.**

First	2,000 gallons	\$ .013548 per gallon
Next	8,000 gallons	\$ .013697 per gallon
Next	10,000 gallons	\$ .011284 per gallon
Next	10,000 gallons	\$ .009884 per gallon
Over	30,000 gallons	\$ .008923 per gallon

The minimum charge for water service shall be **Twenty-Seven Dollars Ten Cents (\$27.10)** per month.

Commencing with the first billing for each customer after **May 1, 2022**, and on **May 1<sup>st</sup>** every year thereafter, the rate tables will be reviewed and may be adjusted by the Mayor and City Council every year or at any time deemed necessary by them.

**38-1-4 WASTEWATER TREATMENT RATES.** Except as established by Council approved contract, there are established rates and charges for use of and for the services supplied by the Wastewater Treatment System of the City; calculations of charges are made by rate tables and based upon the amounts of water consumed by a customer as shown by the City's water meters.

Commencing with the first billing for each customer after **May 1, 2022**, the following monthly charges shall apply to those customers using the wastewater treatment system of the City:

(A) **Wastewater Treatment Service – Inside City.**

First	2,000 gallons	\$.015532 per gallon
Over	2,000 gallons	\$.00591 per gallon

The minimum charge for wastewater treatment service shall be **Thirty-One Dollars Six Cents (\$31.06)** per month.

(B) **Wastewater Treatment Service – Outside City Limits.**

First	2,000 gallons	\$.023303 per gallon
Over	2,000 gallons	\$.008865 per gallon

The minimum charge for wastewater treatment service shall be **Forty-Six Dollars Sixty-One Cents (\$46.61)** per month.

Commencing with the first billing for each customer after **May 1, 2022**, and on **May 1<sup>st</sup>** every year thereafter, the rate tables will be reviewed and may be adjusted by the Mayor and City Council each year or at any time deemed necessary by them.

(C) **Dumping of Typical Domestic Wastewater.** Any person who desires to haul typical domestic wastewater in a tank or other vessel and deposit the same into the City's wastewater system shall be entitled to do so by paying a charge of **Four Cents (\$0.04)** per gallon based on the size of the applicant's offloading storage tank, but with a minimum charge for such dumping to be **Ten Dollars (\$10.00)**. (Ord. No. 23-11; 07-18-23)

(D) **Dumping of Campground or Portable Toilet Wastewater.** Any person who desires to haul campground or portable toilet wastewater in a tank or other vessel and deposit the same into the City's wastewater system shall be entitled to do so by paying a charge of **Ten Cents (\$0.10)** per gallon based on the size of the applicant's offloading storage tank, but with a minimum charge of such dumping to be **Ten Dollars (\$10.00)**. (Ord. No. 23-11; 07-18-23)

(E) **Applicable to (C) and (D) Only.** No person shall deposit any wastewater without an employee designating and providing access to the system and supervising each dumping occurrence. The Superintendent or his representative shall have the right to refuse to accept any wastewater containing chemicals or other items determined by such City employees, in their sole discretion, not to be suitable for processing by the City's wastewater system.

No industrial waste shall be discharged.

No fats, oils or grease shall be discharged.

The City shall not accept more than **ten thousand (10,000) gallons** of bulk discharge in a **twenty-four (24) hour** period.

All such dumping shall be done during the normal business hours of operation of the City of Newton Wastewater Treatment Plant.

The City shall record the total number of tanks dumped and invoice on a monthly basis. All invoices are due upon receipt.

**(Ord. No. 23-11; 07-18-23)**

**38-1-5 BULK SALES OF WATER.** (Coin metered): Bulk water sold to tank wagons loading water at a location provided by the City shall be charged at the rate of **Eighty Cents (\$0.80)** per **one hundred (100) gallons** or fraction thereof.

**38-1-6 RESERVED.**

**38-1-7**      **MULTIPLE UNIT RATE.**

(A) Whenever **two (2)** or more residential dwelling units and/or commercial units are served by a single water meter, the bill shall be computed as if each unit were metered separately under the rate schedules listed in this Chapter. The minimum charge shall be computed in a like manner.

(B) Effective **May 1, 2022**, whenever **two (2)** or more residential dwelling units and/or commercial units are served by a single water meter, the following rates shall apply:

WATER – FLAT RATE  
\$9.18 per 1000 gallons  
Minimum \$9.18

WASTEWATER – FLAT RATE  
\$12.24 per 1,000 gallons of metered water  
Minimum \$12.24

(C) for **two (2)** or more residential dwelling units and/or commercial units served by single water meter as of **March 15, 2020**, subparagraph (B) shall not apply until such time as said residential dwelling units or commercial units are the subject of a transfer of ownership; and following said transfer of ownership, the rate schedule in subparagraph (B) above shall apply.

(D) Commencing with the first billing for each customer after **May 1, 2022** and on **May 1<sup>st</sup>** every year thereafter, any changes to the rate tables will be reviewed and may be adjusted by the Mayor and City Council each year or at any time deemed necessary by them.

**38-1-8**      **BILLING AND PAYMENT OF CHARGES.** Charges for electric, water and sewer

services shall be mailed monthly and payment shall be due on the **fifteenth (15<sup>th</sup>) day** of each month. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service on such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefore to the City. All bills for service shall be rendered as of the **first (1<sup>st</sup>) day** of the month following the month for which service is rendered and water meters read. All bills shall be payable by the **fifteenth (15<sup>th</sup>) day** of the month in which the bill is rendered. All bills not paid shall have a penalty of **five percent (5%)** added on the **sixteenth (16<sup>th</sup>) day** of said month. When the **fifteenth (15<sup>th</sup>) day** of any month shall be a Saturday, Sunday or a legal holiday, then such bills for service shall be paid on the next succeeding secular day without the penalty added.

(A) Any final bill for utility charges for electric, water and/or sewer to a non-owner-occupied property not covered by any deposit is required to be paid by the non-owner occupant within **ten (10) days** of the final bill. On the **eleventh (11<sup>th</sup>) day** the City will mail a bill from the utility to the owner/landlord who will have **twenty-five (25) days** to pay the outstanding balance. If the owner/landlord does not pay the bill within **twenty-five (25) days** the City will have the right to place a lien on the owner/landlord's rental property. All utilities past or present must be paid before a new non-owner occupant, or tenant can put services in his or her name. If the landowner allows a new tenant to move in prior to the previous utility account being paid in full, the account will be opened in the landlord's name, and the landlord will be responsible for the deposit and all utilities bills.

(B) Any final bill for utility charges for electric, water and/or sewer to an owner-occupied property not covered by any deposit is required to be paid within **ten (10) days** of the final bill. On the **eleventh (11<sup>th</sup>) day** the City will mail a notice from the utility to the owner who will have another **twenty-five (25) days** to pay the outstanding balance. If the owner does not pay the bill within **twenty-five (25) days** the City will have the right to place a lien on the owner's property.

(C) Any customer who fails to pay the utility bill by **8:00 A.M.** on the **fourth (4<sup>th</sup>) day** of the succeeding month of having received a bill, will be subject to having utilities service disconnected after a written notice by the City Utility Billing Office, having been mailed first class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **seventeen (17) days** after billing, specifically advising the customer of the following:

- (1) Name and address of the customer and amount due for services including late penalties.
- (2) The date, time, and location of the hearing to be held.
- (3) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
- (4) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (5) The date of termination.

**[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]**

(D) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the City based on the information received at the hearing. **(See Appendix #6)**

(E) The customer shall be notified within **five (5) 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.

(F) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or shall the notice be returned non-accepted, then the City shall also have the right to terminate the customer's utility services without further proceedings.

(G) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.

(H) In the event such delinquent charges are not paid in full to the City Collector by **8:00 A.M.** on the **fourth (4<sup>th</sup>) day** of the succeeding month, a delinquent fee of **Thirty-Five Dollars (\$35.00)** shall be charged to all accounts with a delinquent balance. Also, a City employee shall be sent to the premises to disconnect such delinquent user from the electric, water and sewer system without further notice.

Once disconnection has been made, no reconnection shall be made until all delinquent charges for electric, water and sewer, and all penalties and delinquent fees have been paid in full to the City Collector, except, however, that if such services have been disconnected for a **third (3<sup>rd</sup>) time** within a period of **one (1) year**, a delinquent fee of **Seventy-Five Dollars (\$75.00)** will be charged, and in addition, the delinquent fee within the succeeding year shall be **Seventy-Five Dollars (\$75.00)**.

Disconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Thursday, only between **8:00 A.M.** and **12:00 Noon** on Friday, and only between **8:00 A.M.** and **12:00 Noon** when the City offices will be closed the following day. These hours provide the customer the opportunity to make payment and have service reconnected.

Reconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Friday.

Reconnections made after **3:00 P.M.** or on holidays or weekends will have an additional charge of **One Hundred Two Dollars Fifteen Cents (\$102.15)** to cover the overtime expense. **(Ord. No. 25-05; 05-06-25)**

**38-1-9** **LIEN FOR CHARGES.** In the event the charges for electric, water and/or sewer service at any active utility account are not paid within **thirty-five (35) days** and at any closed utility account are not paid within **thirty-five (35) days** after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies may constitute liens upon the real estate for which such service is supplied, and the City Utility Billing Department is hereby authorized and directed to file from time to time sworn, detailed statements showing such delinquencies in the office of the Recorder of Deeds of Jasper County and the filing of such statement shall be deemed notice of the lien for payment of the service rendered. **(Ord. No. 25-05; 05-06-25)**

**38-1-10** **BILLING FOR CHARGES.** It is hereby made the duty of the City Collector to render bills for service and for rates and charges in connection therewith and to collect all moneys due thereon. If the rates or charges for such service are not paid as provided herein, the City Collector is hereby authorized and directed to notify in writing the owner of the premises, the occupant thereof, and the user of the service that such delinquency exists and that service shall be discontinued without further notice. **(Ord. No. 08-8; 03-18-08)**

**38-1-11** **DISPOSITION OF REVENUES.**  
 (A) All revenues and monies derived from the operation of the waterworks system and the sewerage system shall be held by the Collector in separate funds for each system, apart from all other funds of the City, and all of the said sums, without any deductions whatever, shall be delivered to the City 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 Council. **(Ord. No. 03-06; 05-06-03)**

(B) The City Treasurer shall receive all revenues from the waterworks system and the sewerage system and all other funds and monies incident to the operation of each system as the same may be delivered to the Treasurer and deposit the same in separate funds of the City of Newton, and the Treasurer shall administer each fund in every respect in the manner provided by Article 9 of the Illinois Municipal Code and all other laws thereunto enabling. **(Sec. 7.06) (Ord. No. 03-06; 05-06-03)**

**38-1-12**      **RECORDS; AUDIT.** The City Collector 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 separate waterworks system and sewerage system, and at regular annual intervals shall cause to be made an audit by an independent C.P.A. auditing concern of the books to show the receipts and disbursements of the separate waterworks system and sewerage system. **(Sec. 7.07) (Ord. No. 03-06; 05-06-03)**

**38-1-13**      **SEPARATE METERED CONNECTIONS REQUIRED.** No free service of the separate waterworks system and sewerage system of the City of Newton shall be furnished to any person, firm, organization or corporation, public or private, unless the Council may direct otherwise. Every user of the separate waterworks system and sewerage system of the City shall have a metered water connection to said system, according to rules and regulations set forth by the Council. A user who has an existing metered connection to the water system and sewerage system of the City may at the user's own expense install a separate water meter for water use only, for which separate meter no sewer system charge shall be made as long as that metered water does not utilize the sewer system of the City. **(Ord. No. 03-06; 05-06-03)**

**38-1-14**      **CONNECTION PERMITS; FEES.**

(A)            The City Clerk is hereby authorized to grant such permits as the Clerk may deem proper, allowing persons to connect to the waterworks system and the sewerage system. The applicant shall pay for the material (which may include but not limited to, piping, fittings, the meter, backfill material, and/or boring under roads) required for installing the water service from the main to the meter on the premises in the manner prescribed by the City. The permit fee for the connection to the sewerage main shall be **Two Hundred Fifty Dollars (\$250.00)** refundable deposit, refundable upon inspection of completed project of the sewer connection. The City will provide the sewer connection fitting. This shall be installed by a licensed plumber in the manner prescribed by the City. The applicant shall have a licensed plumber install the sewer service from the main to the residence or premises in the manner prescribed by the City. The permit fees described above shall be paid into the waterworks fund or sewer fund. A connection (tapping) fee shall not be charged if the owner uses an existing connection to the water or sewer main. A connection (tapping) fee/deposit shall only be assessed when a new connection is being made. **(Ord. No. 22-03; 03-01-22)**

(B)            No connection shall be made with the separate waterworks or sewerage system without the written permission of the City Clerk. No connection shall be made to any City owned waterworks main extension or sewage main extension without the written permission of the City Clerk. Any connection or opening made with the waterworks system or the sewerage system without such permission or in any manner different from the mode prescribed for such opening or connection shall subject the maker to the penalties provided for violation of this Chapter. **(Sec. 7.09) (Ord. No. 03-06; 05-06-03)**

(C)            The water connection charges for the Liberty Avenue extension are found in **Exhibit "A"** at the conclusion of this Chapter. **(Ord. No. 04-10; 10-19-04)**

(D)            **Waiver of Water and Sewer Connection Fees.** The City will waive all water and sewer connection fees for each industrial and commercial project in the Enterprise Zone with a total cost of the project exceeding **Ten Thousand Dollars (\$10,000.00)**, and any new construction residential project. The City Council will waive all water and sewer connection fees for each residential remodeling or rehabilitation project in the Enterprise Zone with a total cost of the project exceeding **Ten Thousand Dollars (\$10,000.00)**. The water connection fee that is hereby waived refers to the material (which may include but not limited to, piping, fittings, the meter, backfill material, and/or boring under roads) required for installing the water service from the main to the meter on the premises in the manner prescribed by the City. The connection to the sewerage main shall be **Two Hundred Fifty Dollars (\$250.00)** refundable deposit, refundable upon inspection of completed project of the sewer connection. **(Ord. No. 25-03; 03-04-25)**

**38-1-15**      **APARTMENT BUILDINGS; METERS.**

(A)            When water service is furnished through less than the required number of meters to existing apartment buildings or a combination of existing buildings including business buildings, dwellings, apartment buildings, mobile homes not in state approved mobile home courts, and all other existing buildings under the same ownership, the water charges shall be determined by multiplying the minimum water rate by the number of meters on buildings being served with water.

(B)            Apartment buildings constructed after **October 9, 1969** shall have separate outside water and electric meters for each apartment.

The word, "construction", for purposes of this Section, is defined to mean the building or erection of a new apartment building structure; or the altering, remodeling or revision of an existing structure which changes a single-family dwelling to a multi-family dwelling.

(C)            All meters now in series shall be put on parallel service.

(D)            All new construction considered to be a main building and not adjoining any building or buildings will have separate water meters outside.

- (E) The sharing of meters between **two (2)** property owners shall not be permitted.
- (F) All waterline connections shall be staked with a minimum of four (4) inch channel iron **five (5) feet** long at each water valve and tee and shall be inspected by the Water Department employees before they are covered over. **(Ord. No. 96-19; 10-15-96)**
- (G) Any person violating any provision of this Section shall be given **sixty (60) days** written notice of such violation and the opportunity for that period of time to eliminate such violation. Thereafter any such person violating this Section shall be fined not less than **Five Dollars (\$5.00)** per day for each day during or on which a violation occurs or continues.

**38-1-16 MANUFACTURED HOMES.** The owners or occupants of manufactured homes or mobile homes within the City are required to install water meters and make connections to the City water system for each manufactured home or mobile home immediately upon the same becoming a place of residence or being occupied for any purpose.

In addition to the requirements of this Section, said owners or occupants shall comply with all existing regulations governing the use and operation of the City water system.

Any person violating the provisions of this Section shall be denied the use of City water.

Any water line shut-off shall be located inside the mobile home during new construction or remodeling.

**38-1-17 RESIDENTIAL SERVICE DEPOSIT.** Any person, firm or corporation, whether as owner or as tenant, who applies after **March 18, 2008** for water and/or sewer service for residential purposes, shall pay to and maintain with the City Collector a service deposit as advance security for the payment of charges for service furnished. The deposit amount shall be **Three Hundred Fifty Dollars (\$350.00)** for a current City customer with a fair payment history or a new customer with a fair credit rating. Upon transfer of a deposit, the deposit amount shall be **Five Hundred Dollars (\$500.00)** for a current City customer with a poor payment record or a poor credit rating. The deposit amount shall be **Five Hundred Dollars (\$500.00)** for a new customer with a poor credit rating. After **one (1) full year** of service history without a disconnection notice **Two Hundred Dollars (\$200.00)** of the **Three Hundred Fifty Dollar (\$350.00)** or the **Five Hundred Dollar (\$500.00)** original deposit shall be credited to the property owner's current bill as a refund. To receive the **Two Hundred Dollars (\$200.00)** credit, proof of ownership (a copy of the recorded deed) shall be provided to the City Collector. After **two (2) full years** of service history without a disconnection notice **One Hundred Fifty Dollars (\$150.00)** of the original **Five Hundred Dollar (\$500.00)** deposit shall be credited to the property owner's current bill as a refund upon the owner's request to the City Collector. Upon termination of services, the remaining property owner's deposit shall be applied to the property owner's final bill and the excess if any shall be refunded to the property owner. Upon termination of a tenant's services, the tenant's **Three Hundred Fifty Dollars (\$350.00)** or **Five Hundred Dollars (\$500.00)** deposit shall be applied to the tenant's final bill and the excess if any shall be refunded to the tenant.

Notwithstanding the foregoing, a residential customer's total deposit for water and/or sewer service shall not exceed **Five Hundred Dollars (\$500.00)**. **(Ord. No. 08-8; 03-18-08)**

**38-1-18 COMMERCIAL SERVICE DEPOSIT.** Any person, firm or corporation, whether as owner, or as tenant, who applies after **November 20, 2001** for electric service, water and/or sewer service shall pay to and maintain with the City Collector a service deposit of **Three Hundred Fifty Dollars (\$350.00)** or a sum determined to be equal to the average monthly charge for such electricity, water and sewer services, whichever is greater. The average commercial consumption and billing expected to be used shall be determined by proper employees of the electric, water and sewer departments of the City. Such deposit is an advance security for the payment of charges for services furnished. After **one (1) full year** of service history without a disconnection notice any amount of the original owner's deposit exceeding the average monthly charge for electricity, water and sewer services

shall be credited to the property owner's current bill as a refund. To receive credit, proof of ownership (a copy of the recorded deed) shall be provided to the City Collector. Upon termination of services, the remainder of the property owner's deposit shall be applied to the property owner's final bill and the excess if any shall be refunded to the property owner. Upon termination of a tenant's services, the tenant's original deposit shall be applied to the tenant's final bill and the excess if any shall be refunded to the tenant.

Notwithstanding the foregoing, a commercial customer's total deposit for electricity, water and/or sewer service shall not exceed **Three Hundred Fifty Dollars (\$350.00)** or a sum determined to be equal to the average monthly charge for electricity, water and sewer service, whichever is greater.

**Landlords of Unoccupied Rental Property.** In lieu of a cash utility deposit of **Three Hundred Fifty Dollars (\$350.00)** or **Five Hundred Dollars (\$500.00)** an owner of an unoccupied rental property/unit, the utilities for which have been placed in owner's name, shall pay to and maintain with the City Collector a service deposit of **Fifty Dollars (\$50.00)**, **One Hundred Seventy-Five Dollars (\$175.00)** or **Three Hundred Fifty Dollars (\$350.00)**, the amount to be determined by the owner's current payment history or a current credit rating. The deposit for a good credit rating shall be **Fifty Dollars (\$50.00)**, a fair credit rating shall be **One Hundred Seventy-Five Dollars (\$175.00)** and a poor credit rating shall be **Three Hundred Fifty Dollars (\$350.00)**. Upon rental/occupancy of the property/unit a cash deposit shall be required in accordance with present Ordinance, irrespective of whether the utilities remain in the owner's name or are placed in the renter's name.

**Industrial.** Any person, firm or corporation, whether as owner, or as tenant, who applies after **March 18, 2008** for electric service, water and/or sewer service shall pay to and maintain with the City Collector a service deposit of **Three Hundred Fifty Dollars (\$350.00)**. Such deposit is an advance security for the payment of charges for services furnished. Upon termination of service, the original deposit shall be applied to the final bill and the excess if any shall be refunded to the customer. To be eligible for the **Three Hundred Fifty Dollar (\$350.00)** Industrial Rate deposit, the customer must create **ten (10)** or more new jobs within the first year of their doing business in the City and retain those jobs for a minimum of **five (5) years**. The Industrial Rate deposit amount of **Three Hundred Fifty Dollars (\$350.00)** shall terminate automatically if the new employer (a) fails to create **ten (10)** or more full time jobs in the City within the first year or (b) fails to retain those **ten (10)** or more jobs for a minimum of **five (5) years**, at which time the Commercial Deposit policy shall be enforced. **(Ord. No. 08-8; 03-18-08)**

**38-1-19** **UNOCCUPIED RENTAL PROPERTY.** In lieu of cash utility deposit(s) an owner of an unoccupied rental property/unit, the utilities for which have been placed in owner's name, may provide in favor of the City an Irrevocable Letter of Credit from a financial institution in a form suitable to the City and in an amount determined by multiplying the number of rental properties/units owned by the amount of the required utility deposit. Upon rental/occupancy of the property/unit a cash deposit shall be required in accordance with present Ordinance, irrespective of whether the utilities remain in the owner's name or are placed in the renter's name. The Irrevocable Letter of Credit shall be deposited with and retained by the City Clerk. **(Ord. No. 02-02; 01-02-02)**

**38-1-20** **PLASTIC WATER PIPE.** It shall be lawful for any person, including the City, making connections with the municipal water line to install in addition to copper lines or other heretofore approved pipe, the following polyethylene plastic pipe:

- (A) **three-fourths (3/4)** size -- OD .875 -- maximum PSI 160;
- (B) **one (1) inch** size -- OD 1.125 -- maximum PSI 160;
- (C) Pipe larger than **one (1) inch** PVC -- Schedule 26 plastic pipe or better.

**38-1-21** **REGULATIONS.** The City Council is authorized to make such rules and regulations consistent with this Chapter for the connections to the waterworks and sewerage system, specifying the types and sizes of pipes and all other appurtenances and extensions thereto, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the waterworks and sewerage systems shall comply with the said specifications and rules.

**38-1-22**      **ENTRY FOR INSPECTION.** Employees of the waterworks and sewerage system shall have the right at all times of access to any person's premises for repairs or meter readings. Any person refusing the right to permit the said employees of the waterworks and sewerage system the above described right of access to his premises shall be subject to a penalty as hereinafter provided.

**38-1-23**      **FILING OF REGULATIONS.** A copy of this Chapter, properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of Jasper County and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks and sewerage systems of the City on their properties, and it shall be the duty of the City Clerk and such other officer of this City to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims for money due to the City and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

**38-1-24**      **EXCEPTIONS TO DISCONNECTION OF SERVICE.**

(A)              Anyone with a serious illness necessitating the need for continuation of water and/or sewer service who is living full time at a residence scheduled for disconnection of service may contact a duly licensed physician. If the City Clerk receives, prior to disconnection of service, a written confirmation of the illness from a duly licensed physician, the water and/or sewer service shall not be disconnected for a period of **thirty (30) days** from the day the written confirmation is received by the City Clerk if the customer complies with both of the following conditions, to-wit:

- (1)              The duly licensed physician's statement must include the name, address and telephone number of the ill person; verification that the ill person is a full-time resident of the premises; the nature and duration of the illness verifying that termination of the water and/or sewer service in question will create a life-threatening situation; and the business name and telephone number of the certifying physician.
- (2)              The customer must make full payment of all delinquent water and/or sewer service charges and all penalties within **thirty (30) days** after the City Clerk's receipt of the said physician's written confirmation otherwise, the water and/or sewer service shall be disconnected on or after the **thirty-first (31<sup>st</sup>) day** after the Clerk's receipt of the said written physician's confirmation.
- (3)              The City reserves the right to verify any and all information concerning a customer's illness.

(B)              Any person receiving a disconnection notice who believes there has been an error in billing, malfunction of metering equipment or other just cause, may request a hearing before the City Council. A request for hearing by the customer must be submitted in writing to the City Clerk before disconnection has occurred. The hearing will take place within **fifteen (15) days** of the receipt of the customer's request for hearing. A decision will be rendered following the hearing. Until the hearing has been held and decision rendered, the customer's service will not be disconnected. Should the City Council's decision after the hearing be to disconnect the water and/or sewer service, the customer will be so notified by written notice not less than **seven (7) days** prior to disconnection of service. **(Ord. No. 01-25; 11-20-01)**

**38-1-25**      **WATER LEAK ADJUSTMENT.** When a customer of the Water and/or Sewer Service of the City shall suffer a water leak, the City shall adjust that customer's water and/or sewer bill for the month in which the leak occurs as follows: The preceding **six (6) month** average of the customer's water usage shall first be determined, that amount shall be subtracted from the total amount of gallons metered during the month of the leak. The balance shall constitute the leaked gallons. The customer shall pay the customer's average monthly usage as determined plus **fifty percent (50%)** of the leaked gallons. Charges for sewer in the month of the water leak shall be adjusted in the same manner if the water went down the sewer. If the water did not go down the sewer, the sewer charge

shall be calculated for the customer's **six (6) month** average and the sewer charges above the average removed. There shall be no adjustment for filling of pools, except in the case of new construction or liner replacement of pools requiring **five thousand (5,000) gallons** or more of water in which case the City will only charge for the water used to fill the pool (based on the pools' water capacity) and will not charge for sewer on the water so used.

The water/sewer leak adjustment policy shall commence as of **March 1, 2016**. This adjustment shall only occur **one (1)** time per customer, regardless of the customer's location. **(Ord. No. 16-02; 07-05-16)**

**38-1-26**      **JETTER TRUCK SERVICE LINE CLEANING FEES.** There is hereby established the following fees on a calendar year basis for use of the City's Jetter Truck Service Line Cleaning services, as follows:

- (A)            First time out **One Hundred Fifty Dollars (\$150.00)** and **Three Hundred Dollars (\$300.00)** on weekends, holidays, or after normal business hours.
- (B)            Second time out **Three Hundred Dollars (\$300.00)** and **Four Hundred Fifty Dollars (\$450.00)** on weekends, holidays, or after normal business hours.
- (C)            Third time out **Four Hundred Fifty Dollars (\$450.00)** and **Six Hundred Dollars (\$600.00)** on weekends, holidays, or after normal business hours.
- (D)            Fourth time out **Six Hundred Dollars (\$600.00)** and **Seven Hundred Fifty Dollars (\$750.00)** on weekends, holidays, or after normal business hours.
- (E)            Fifth time, the City will not respond with the Jetter Truck.

**(Ord. No. 14-15; 09-16-14)**

## ARTICLE II - WATER SYSTEM

## DIVISION I - GENERAL REGULATIONS

- 38-2-1** **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:
- (A) **Federal Government.**
- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
  - (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
- (B) **State Government.**
- (1) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.
  - (2) **"Director"** means the Director of the Illinois Environmental Protection Agency.
  - (3) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.
- (C) **Local Government.**
- (1) **"Approving Authority"** means the City Council of the City of Newton or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.
- (D) **"Person"** shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.
- (F) **Water and Its Characteristics.**
- (1) **"ppm"** shall mean parts per million by weight.
  - (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml 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 analysis.
  - (3) **"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.
- (G)
- (1) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
  - (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.
  - (3) **"Service Box"** shall mean a valve box used with corporation or curb cock.
- (H) **Types of Charges.**
- (1) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
  - (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
  - (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.

- (4) ***"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.
- (5) ***"Capital Improvement Charge"*** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) ***"Local Capital Cost Charge"*** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.
- (7) ***"Replacement"*** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) ***"Useful Life"*** shall mean the estimated period during which the water works will be operated.
- (9) ***"Water and Sewer Fund"*** is the principal accounting designation for all revenues received in the operation of the water system.

**38-2-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Appendix #1)**

**38-2-3 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.

**38-2-4 REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

**38-2-5 INSTALLING AND MAINTAINING SERVICE LINES.** The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths (3/4) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

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

**38-2-6            INSPECTION.**

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

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

**38-2-7            METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

**38-2-8            DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City shall 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, extensions or renewals.

**38-2-9            RESALE OF WATER.** No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

**38-2-10          DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City, or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

**38-2-11          ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

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

**38-2-12**      **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed 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.

**38-2-13**      **FIRE HYDRANTS.**

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

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

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

**38-2-14**      **LIMITED WATER USAGE IN EMERGENCIES.**

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

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

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

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

**38-2-15**      **SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

**38-2-16**      **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time,

the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-2-17**      **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

**38-2-18**      **USE OF WATER ON CONSUMER'S PREMISES.** The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

**38-2-19**      **ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY.** The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

**38-2-20**      **CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

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

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

**38-2-21**      **WATER WELL PERMITS REQUIRED.** It shall be unlawful to drill a water-well in the City without the proper permits from the State of Illinois and the City Council. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

**38-2-22**      **ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is

known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

**38-2-23 ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

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

**38-2-24 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

**38-2-25 - 38-2-30 RESERVED.**

### ARTICLE III - UTILITY EXTENSIONS

**38-3-1**        **APPLICATION FOR SERVICE OUTSIDE THE CITY.** Any person desiring water service outside the corporate limits shall apply in writing to the City Clerk. any such application shall be referred to the City Council for action at its next regular meeting.

**38-3-2**        **EXTENSION OF SERVICE OUTSIDE THE CITY.** No utility services shall be extended to new users or customers outside the corporate limits of the City except by affirmative vote of the majority of the members of the City Council then elected. No application may be considered for approval unless the applicant shall first have agreed in writing to enter into a binding agreement with the City as follows:

(A)            The property for which service is sought will be annexed to the City of Newton by petition of the owner if and when such property becomes contiguous to the City, or the property qualifies for annexation to the City pursuant to the State Statutes now in effect or later amended; and

(B)            All sewage disposal systems shall be installed at the expense of the owners, and shall meet Federal and State EPA regulations and be State of Illinois approved. If, at some future date, it becomes necessary, either by Federal or State regulation, to install a sewage disposal system different from those systems presently approved, it shall be the duty of the owners, at their expense, to install said sewage disposal system to meet any and all Federal and/or State requirements. Further, at the time the property becomes annexed to the City, the property owners shall comply with the City Code, including the Sewer Use Code, Chapter 38; Article V, as amended. There is presently no duty imposed on the City, nor is there a duty imposed by virtue of this Chapter, requiring the City to provide public sewer connections to the said property owners. In the event the property owners elect to connect, or is required by Federal or State EPA rules to connect to the City sewer system, the cost of such connection to within **two hundred (200) feet** of the then existing nearest public sewer connection, shall be the sole expense of the property owner. The City shall have no duty or responsibility to extend any existing sewer connection line to any property.

**38-3-3**        **AGREEMENT TO ANNEX.** Upon approval of any application for service outside the corporate limits of the City, as provided in this Chapter, such application shall be referred by the Council to the City Attorney. The City Attorney shall draft a suitable agreement to be entered into be the City and the applicant. In addition to the requirements of **Section 38-2-2**, such agreement shall provide that its terms are binding upon the applicant and any future owners of such property and shall constitute an encumbrance upon the property which is a covenant running with the land.

**38-3-4**        **RECORDING OF AGREEMENT.** Any agreement for extension of water service outside the corporate limits of the City, shall be signed by all owners of record of such property and by the Mayor, shall be attested by the City Clerk and shall be acknowledged by all parties. After the agreement has been signed and acknowledged as provided, the City Clerk shall cause said agreement to be recorded in the records of Jasper County.

**38-3-5**        **REGULATIONS CONCERNING CONNECTIONS AND EXTENSIONS.**

(A)            Such approved applicants shall pay all construction costs, legal costs, and engineering costs necessary for the construction of any extended water line and/or extended water main.

(B)            Upon construction of such water line, the same shall become the property of the City of Newton, Jasper County, Illinois, upon its inspection and acceptance as herein provided.

(C)            No such construction shall be commenced without first obtaining prior approval for such project as herein specified.

(D) Upon completion of such water line, the City shall test and approve the said line which must likewise meet all requirements of the State of Illinois and the United States of America and the appropriate regulatory authorities and agencies of such government.

(E) After the water line has been tested and approved, the applicants and builders of such line shall apply to the City for final acceptance of the extension or connection, and at such time shall provide the City with an itemized bill reflecting the actual total cost of installation. The bill shall include the following:

- (1) Total material cost itemized in cost per foot of pipe.
- (2) Total labor cost itemized in cost per man-hours worked.
- (3) Total equipment cost itemized in rental or owner cost per hour including fuel.
- (4) Total engineering cost verified by a bill from the engineering firm.
- (5) Total legal costs verified by a bill from the Attorney.

(F) Applicants shall be entitled to charge a pro-rated tap-on fee to recover their total installation cost, which shall be set at the time of the final application to the City for its acceptance. Applicants shall have a period of **twenty (20) years** in which to recover their total installation costs. Any cost not recovered within the said **twenty (20) year** period of time shall become the expense of the applicants. In the event the total cost shall be recovered in less than **twenty (20) years**, the pro-rated tap-on fee shall terminate and only the tap fee then required by the City shall be charged.

(G) All tap fees shall be collected by the City. The tap fees shall include the tap fee charged by the City and the pro-rated tap-on fee charged by the applicants. Only the pro-rated tap-on fee shall be credited to the recovery of the applicant's total installation cost.

(H) The City reserves the right to specify oversized pipe at designated locations, but agrees to pay the difference in material cost and any other cost between the oversized pipe and the standard size pipe. From and after **October 1, 1996**, all water line extensions shall have a minimum diameter of **six (6) inches. (Ord. No. 96-18; 10-01-96)**

(I) Taps to the extensions or connections shall only be permitted at intervals of **one hundred (100) feet** or more.

(J) In the event of a further extension to the project approved, the original constructors shall be entitled to **one (1) tap fee** only, but shall not recover any tap fees from more than **one (1) extension** of such project.

(K) Prior to commencing construction, it shall be the responsibility of such applicants to obtain any required State permits or any other required easements, at their own expense, and such plans for the extension or connection shall meet the approval of the City engineers for the City of Newton.

(L) The applicants shall likewise grant to the City such easements as shall be required by the City, to permit the City to enter upon the premises for the purpose of maintaining, repairing, and altering such extension or connection and to install and read and maintain such water meters as shall from time to time be required. All such easements shall be prepared at the expense of applicants. Such easements shall likewise permit entering upon such property for the purpose of constructing further extensions or connections.

(M) No extension or connection outside of the City limits shall be further extended without the prior approval of the City.

(N) Nothing herein contained shall obligate the City to become a guarantor of a supply of water, and in the event of equipment failure, drought, natural disaster, act of God, or conditions beyond the control of the City, the City shall not be liable for any damages sustained as a result of interruption in the supply of water.

(O) Only the original constructors shall share in the division of any tap fees but such original constructors may assign their rights under such agreement as they shall from time to time agree. Such fees may be divided among such persons as they shall agree.

(P) After acceptance of such water line, the City shall maintain the water line from such date at its own expense and shall keep it in proper working condition so as to provide water service to the property owners on the same availability basis as provided to residents of the City.

(Q) The City reserves the right to adjust or alter the charge for such water supply as it shall from time to time determine to be necessary.

(R) Any property owners or users connecting to the extension or connection shall be subject to all the aforementioned rules and regulations and any further rules or regulations adopted by the City concerning said extension or connection. In addition, such users shall be subject to all rules and regulations established for water users located inside the City limits, except those portions which are in conflict with rules and regulations covering property owners residing outside the City.

(S) Any person desiring to connect to, repair, or maintain any type of City Utility located outside of the City Limits shall be required to make a deposit of **Five Hundred Dollars (\$500.00)** to the Newton City Clerk prior to commencing any work relative thereto. Such deposit is for the purpose of insuring that any work is done in a workmanlike manner with all damage to roads, streets and easements properly repaired. Upon completion of the work, the City and any other Township, County or State authority involved shall be notified and allowed to inspect the work. If such work has been performed satisfactorily and no damage exist, the deposit shall be returned to the person making the deposit otherwise the deposit shall be forfeited to the City or other Township, County, or State authority which has suffered the damage. Nothing herein shall limit the liability of any person who has caused damage to the City, Township, County or State for such damages. **(Ord. No. 00-07; 07-18-00)**

**38-3-6**            **PENALTIES.**

(A) Any person convicted of violating the provisions of this Chapter shall be subject to a penalty as provided in **Section 1-1-20** of this Code.

(B) **Tampering.** It shall be unlawful for any person not authorized by the City to tamper with, alter or injure any part of the City water works and sewerage system, or any part of a City owned waterworks main extension or sewerage main extension, or any meter. Any person found to be in violation of this provision shall be subject to the penalties provided for in the City Code.

(C) Nothing in this Chapter shall be interpreted as prohibiting the institution of criminal charges against any person stealing water from the City by bypassing a meter, tampering with a meter or by any other means.

**ARTICLE IV - CROSS-CONNECTION****DIVISION I - ADMINISTRATION**

**38-4-1**        **APPROVED BACKFLOW DEVICE.** All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**38-4-2**        **CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**38-4-3**        **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

**38-4-4**        **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

**38-4-5**        **NOTICE TO CUSTOMER; RECONNECT FEE.**  
 (A)            The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **Two Hundred Dollars (\$200.00)** is paid to the City Clerk.

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

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

**38-4-6**      **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-4-7 - 38-4-8**      **RESERVED.**

**DIVISION II - CROSS-CONNECTION REGULATIONS**

**38-4-9**            **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.

**38-4-10**           **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

**38-4-11**           **RESPONSIBILITY OF OWNER: SHUT-OFF VALVE INSIDE BUILDING.**

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

**38-4-12**           **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.

**38-4-13**      **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.

**38-4-14**      **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.

**38-4-15**      **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 of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

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

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

- (1)            All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2)            Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

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

**38-4-16      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.

**38-4-17**      **TYPE OF PROTECTION REQUIRED.**

(A)      The type of protection required under **Section 38-4-16** 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 38-4-16** 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.

**38-4-18**      **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.

**38-4-19      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 38-4-19(A).**

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

**38-4-20      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.

**38-4-21      VIOLATIONS AND PENALTIES.**

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the

Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

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

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

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

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

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

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

## ARTICLE V - WELL SET-BACK ZONES

**38-5-1**        **PURPOSE.** Pursuant to the authority conferred by **65 ILCS Sec. 5/11-125-4 (1992)**; **415 ILCS Sec. 5/14.2**, and **5/14.3 (1992)**; **65 ILCS Sec. 5/7-4-2 (1992)**; and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Chapter shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (**415 ILCS Sec. 5/14.2 (1992)**) and this Chapter, and the maximum setback zone established under Section 14.3 of the Act (**415 ILCS Sec. 5/14.3 (1992)**) and this Chapter.

**38-5-2**        **DEFINITIONS.** Except as stated in this Chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall be the same as those used in the Act and the Illinois Groundwater Protection Act (**415 ILCS Sec. 55/1 (1992)**):

**"Act"** means the Environmental Protection Act (**415 ILCS Sec. 5/1 (1992)**).

**"Agency"** means the Illinois Environmental Protection Agency.

**"Board"** means the Illinois Pollution Control Board.

**"Maximum Setback Zone"** means the area around a community water supply well established under Section 14.3 of the Act and this Article and described in Appendix A.

**"Minimum Setback Zone"** means the area around a community water supply well established under Section 14.2 of the Act and this Article, and described in Appendix A.

**[Map in Appendix "A" on file at City Hall.] (Ord. No. 13-1; 01-02-13)**

**38-5-3**        **PROHIBITIONS.**

(A) Except as provided in **Section 38-5-4** or **38-5-5** of this Article, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(B) Except as provided in **Section 38-5-4** of this Article, no person shall place a new potential primary source within the maximum setback zone.

**38-5-4**        **WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD.**

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from **Section 38-5-3(A)** of this Article.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-5-3(A)** of this Article.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-5-3(B)** of this Article.

(D) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to **Section 38-5-3(A)** of this Article to the same extent that such owner is not subject to Section 14.2(d) of the Act.

**38-5-5**        **EXCLUSION.**    **Section 38-5-3(A)** of this Article shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

**38-5-6**        **WELLS INSIDE CITY.**

(A)            **Definitions.**

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

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

(B)            **Use of Groundwater as a Potable Water Supply Prohibited.** The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City by the installation or drilling of wells or by any other method is hereby prohibited, including at any points of withdrawal by the City.

(C)            **Penalties.** Any person violating the provisions of this Section shall be subject to a fine of up to **Seven Hundred Fifty Dollars (\$750.00)** for each violation. **(Ord. No. 04-8; 10-05-04)**

**(Ord. No. 96-21; 12-17-96)**

**ARTICLE VI - SEWER SYSTEM****DIVISION I - DEFINITIONS**

**38-6-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**"GOVERNMENT, FEDERAL".**

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

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

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

**"GOVERNMENT, LOCAL".**

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

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

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

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

**"GOVERNMENT, STATE".**

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

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

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

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

**"SEWER TYPES AND APPURTENANCES".**

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

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

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

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

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

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

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

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

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

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

**"TREATMENT":**

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

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

**"TYPES OF CHARGES":**

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

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

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

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

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

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

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

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

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

(J) **"Wastewater Service Charge"** shall be the charge per quarter or 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 City representative to sample and/or measure discharges.

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

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

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

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

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

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

**"WATERCOURSE AND CONNECTIONS":**

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

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

**"WASTEWATER AND ITS CHARACTERISTICS":**

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

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

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

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

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

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

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

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

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

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

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

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public 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.

**38-6-2 - 38-6-3      RESERVED.**

## DIVISION II

## USE OF PUBLIC SEWERS REQUIRED

**38-6-4**        **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

**38-6-5**        **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

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

**38-6-7**        **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City 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 City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred feet (200')** of the nearest property line and adequate to handle the additional connection, where determined to be required.

**38-6-8 - 38-6-9**        **RESERVED.**

## DIVISION III

## PRIVATE SEWAGE DISPOSAL

**38-6-10**      **PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-6-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

**38-6-11**      **HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the City (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **One Hundred Dollars (\$100.00)** shall be paid to the City at the time the application is filed.

**38-6-12**      **PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within hours of the receipt of written notice by the Superintendent.

**38-6-13**      **COMPLIANCE WITH STATE REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**38-6-14**      **AVAILABILITY OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-6-12**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**38-6-15**      **OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

**38-6-16**      **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

**38-6-17**      **TIME CONSTRAINTS FOR PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**38-6-18 - 38-6-20**      **RESERVED.**

## DIVISION IV

## BUILDING SEWERS AND CONNECTIONS

**38-6-21**      **DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**38-6-22**      **COMPLIANCE WITH REGULATING AUTHORITIES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-6-23**      **CLASSES OF PERMITS.**

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

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

(B)            In either case, the owner or his agent shall make applications on a special form furnished by the City. **(See Appendix)** The fee per connection shall be paid to the City at the time the application is filed pursuant to Article IV; Division III of this Chapter.

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

**38-6-24**      **COST BORNE BY OWNER.** All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

**38-6-25**      **SEPARATE SEWER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

**38-6-26**      **OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

**38-6-27**      **CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches**. If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch** or **five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the

building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

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

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

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

**38-6-28 PLUMBING CODE REQUIREMENTS.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

**38-6-29 ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-6-22** and discharged to the building sewer.

**38-6-30 PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

**38-6-31 CONNECTIONS TO SEWER MAINS.** Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

- (A) Installation of a manhole
- (B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter.
- (C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of one-half (1/2) inch gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

**On Site Inspection.** After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the

Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

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

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

**38-6-32 CAPACITY OF SEWER.** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**38-6-33 TAP-IN SUPERVISION AND TESTING.** The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

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

**38-6-34 INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet City's requirements.

**38-6-35 PUBLIC SEWER CONNECTION.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

**38-6-36 PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**38-6-37 BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

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

from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

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

**38-6-38**      **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-6-39 - 38-6-41**      **RESERVED.**

**DIVISION V - EXTENSION OF COLLECTING SEWERS**

**38-6-42**     **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, not an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

**38-6-43**     **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

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

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

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

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

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

**38-6-44**     **MATERIALS.** All sewer extensions shall be constructed of the following materials:

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

- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
- (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.
- (3) No clay pipe or tiles shall be permitted.

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

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

**38-6-45**     **INSPECTIONS OF CONSTRUCTION.** Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

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

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

**38-6-46**      **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **three hundred fifty (350) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers. The access diameter of the manhole shall be at least **twenty-two (22) inches.** (Ord. No. 98-3; 02-05-98)

**38-6-47**      **MANHOLE SPECIFICATIONS.** The following specifications shall apply to the installation of all sewer manholes:

- (A) Each manhole shall be a reinforced precast concrete structure with an inside diameter of **forty-eight (48) inches.** Each structure shall have a minimum wall thickness of **four (4) inches,** and shall have a precast concrete base using a positive seal gasket system to connect to the sewer lines.
- (B) Poured in place or "bricked" structures shall not be used.
- (C) Each precast structure shall be furnished with steel reinforced plastic steps.
- (D) Each joint between the precast components shall be sealed with a rubber mastic sealant, including all adjustment rings.
- (E) No more than **two (2)** precast adjustment rings shall be used to adjust the overall finished height of the manhole. In no case shall the total height of the adjustment rings exceed **eight (8) inches.**
- (F) The manhole frame and lid shall be cast iron. The frame shall be **nine (9) inches** in height and shall have a minimum access diameter of **twenty-two (22) inches.** The lid shall have a self sealing rubber bead around the inside perimeter, and the face of the lid shall be labeled "Sanitary Sewer". The frame and lid shall be R-1713 as manufactured by the Neenah Foundry Company, or an approved equal.

**38-6-48**      **RESERVED.**

## DIVISION VI

## USE OF PUBLIC WASTEWATER FACILITIES

**38-6-49**      **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-6-50**      **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

**38-6-51**      **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(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.

**38-6-52**      **HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and 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 City.

(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 City 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 City 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 City in compliance with applicable State or Federal regulations.

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

(I) Materials which exert or cause:

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

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

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

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

**38-6-53 HARMFUL WASTES; APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-6-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-6-42**.

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

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

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

**38-6-54 INTERCEPTORS PROVIDED.**

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure 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 City and shall be located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over of grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons**, and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the City wastewater collection and treatment system may be liable to the City for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the City. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and phone number.
- (2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next scheduled maintenance.
- (6) Copies of manifests.
- (7) The user shall be required to submit maintenance records to the City on an annual basis. Records shall be submitted by **September 1<sup>st</sup>** of each year. The records shall be submitted to:  
Attn: Wastewater Superintendent

(E) The City will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the City the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Greases (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

- (2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

- (1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.  
 (2) Said interceptor and installation is endorsed by the City Engineer.  
 (3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

**38-6-55 FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**38-6-56 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**38-6-57 INDUSTRIAL WASTE TESTING.**

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

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

**38-6-58 MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour**

composite

of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**38-6-59**      **SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division III of this Code)**

**38-6-60 - 38-6-64**      **RESERVED.**

**DIVISION VII****INSPECTIONS**

**38-6-65**      **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**38-6-66**      **INSPECTION AND TESTING.**

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

**38-6-67**      **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-6-66** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against 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 38-6-57**.

**38-6-68**      **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-6-69 - 38-6-70**      **RESERVED.**

**DIVISION VIII - PENALTIES**

**38-6-71**      **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-6-65** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

**38-6-72**      **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**38-6-73**      **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

**38-6-74**      **RESERVED.**

## DIVISION IX

## EXTENSION OF MAINS

**38-6-75**      **DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.**

(A)      **Determination of Who Pays Expense of Extension.** The City shall first determine if an extension of a sewer main is economically feasible based on the estimated extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the sewer main then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

(B)      **Requirements if Extension is Installed by Someone Other than the City.**

- (1)      The City 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, Environmental Protection Agency.
- (3)      Ownership, rights-of-way, and title must be conveyed to the City for all extensions installed by anyone other than the City. The City will maintain the mains thereafter.
- (4)      No extension will be permitted if in the opinion of the City Council, the system does not have the necessary capacity to serve the proposed extension.

**38-6-76**      **CHANGE IN OCCUPANCY.**

(A)      Any user requesting a termination of service shall give written notice to the City **ten (10) days** prior to the time such termination of service is desired.

(B)      Responsibility for payment for sewer service prior to the date of termination shall be with the property owners as well as the user.

(C)      There shall be no charge for transferring the sewer service to the subsequent user.

CHAPTER 38

UTILITIES

ARTICLE I – WATER AND WASTEWATER TREATMENT RATES

**38-1-1**        **SEPARATE WATER AND WASTEWATER TREATMENT SYSTEMS.** The existing waterworks system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made and the existing wastewater treatment system shall be maintained and operated as separate utilities, and charges or rates shall be established for the use of each system, which shall be reasonable and commensurate with the services performed by each system, and shall be sufficient to maintain, operate, provide an adequate depreciation fund and pay the principal and interest of any revenue bonds which may be issued, which by their terms are made payable from the revenues of the waterworks system or the wastewater treatment system. **(Ord. No. 09-19; 12-15-09)**

**38-1-2**        **SERVICE CHARGES.** Except as established by a council approved contract, there are established charges for the use of and for the services supplied by the water system of the City. Calculations of charges are made by rate tables and based upon the amount of water consumed and shown by City water meters. **(Ord. No. 09-19; 12-15-09)**

In addition to all other charges, there shall be charged to the customer the sum of **Twenty-Five Dollars (\$25.00)** for each customer’s check returned to the City for insufficient funds or other reason. Two or more such returned checks within a **six (6) month** period shall result in the requirement that all future payments to the City from that customer must be in form of either cash, money order or cashier check, unless otherwise authorized by the City Collector. All unpaid returned check charges shall be added to the customer’s account and shall constitute a lien on the customer’s property. **(Ord. No. 15-13; 10-06-15)**

**38-1-3**        **WATER SERVICE RATES.** Commencing with the first billing after **May 1, 2022**, the following monthly charges shall apply to those customers using water service of the City:

(A)            **Water Service - Inside City.**

First	2,000 gallons	\$ .00903 per gallon
Next	8,000 gallons	\$ .009131 per gallon
Next	10,000 gallons	\$ .007524 per gallon
Next	10,000 gallons	\$ .00659 per gallon
Over	30,000 gallons	\$ .005949 per gallon

The minimum charge for water service shall be **Eighteen Dollars Six Cents (\$18.06)** per month.

(B)            **Water Service - Outside City Limits.**

First	2,000 gallons	\$ .013548 per gallon
Next	8,000 gallons	\$ .013697 per gallon
Next	10,000 gallons	\$ .011284 per gallon
Next	10,000 gallons	\$ .009884 per gallon
Over	30,000 gallons	\$ .008923 per gallon

The minimum charge for water service shall be **Twenty-Seven Dollars Ten Cents (\$27.10)** per month.

Commencing with the first billing for each customer after **May 1, 2022**, and on **May 1<sup>st</sup>** every year thereafter, the rate tables will be reviewed and may be adjusted by the Mayor and City Council every year or at any time deemed necessary by them.

**38-1-4 WASTEWATER TREATMENT RATES.** Except as established by Council approved contract, there are established rates and charges for use of and for the services supplied by the Wastewater Treatment System of the City; calculations of charges are made by rate tables and based upon the amounts of water consumed by a customer as shown by the City's water meters.

Commencing with the first billing for each customer after **May 1, 2022**, the following monthly charges shall apply to those customers using the wastewater treatment system of the City:

(A) **Wastewater Treatment Service – Inside City.**

First	2,000 gallons	\$.015532 per gallon
Over	2,000 gallons	\$.00591 per gallon

The minimum charge for wastewater treatment service shall be **Thirty-One Dollars Six Cents (\$31.06)** per month.

(B) **Wastewater Treatment Service – Outside City Limits.**

First	2,000 gallons	\$.023303 per gallon
Over	2,000 gallons	\$.008865 per gallon

The minimum charge for wastewater treatment service shall be **Forty-Six Dollars Sixty-One Cents (\$46.61)** per month.

Commencing with the first billing for each customer after **May 1, 2022**, and on **May 1<sup>st</sup>** every year thereafter, the rate tables will be reviewed and may be adjusted by the Mayor and City Council each year or at any time deemed necessary by them.

(C) **Dumping of Typical Domestic Wastewater.** Any person who desires to haul typical domestic wastewater in a tank or other vessel and deposit the same into the City's wastewater system shall be entitled to do so by paying a charge of **Four Cents (\$0.04)** per gallon based on the size of the applicant's offloading storage tank, but with a minimum charge for such dumping to be **Ten Dollars (\$10.00)**. (Ord. No. 23-11; 07-18-23)

(D) **Dumping of Campground or Portable Toilet Wastewater.** Any person who desires to haul campground or portable toilet wastewater in a tank or other vessel and deposit the same into the City's wastewater system shall be entitled to do so by paying a charge of **Ten Cents (\$0.10)** per gallon based on the size of the applicant's offloading storage tank, but with a minimum charge of such dumping to be **Ten Dollars (\$10.00)**. (Ord. No. 23-11; 07-18-23)

(E) **Applicable to (C) and (D) Only.** No person shall deposit any wastewater without an employee designating and providing access to the system and supervising each dumping occurrence. The Superintendent or his representative shall have the right to refuse to accept any wastewater containing chemicals or other items determined by such City employees, in their sole discretion, not to be suitable for processing by the City's wastewater system.

No industrial waste shall be discharged.

No fats, oils or grease shall be discharged.

The City shall not accept more than **ten thousand (10,000) gallons** of bulk discharge in a **twenty-four (24) hour** period.

All such dumping shall be done during the normal business hours of operation of the City of Newton Wastewater Treatment Plant.

The City shall record the total number of tanks dumped and invoice on a monthly basis. All invoices are due upon receipt.  
**(Ord. No. 23-11; 07-18-23)**

**38-1-5 BULK SALES OF WATER.** (Coin metered): Bulk water sold to tank wagons loading water at a location provided by the City shall be charged at the rate of **Eighty Cents (\$0.80)** per **one hundred (100) gallons** or fraction thereof.

**38-1-6 RESERVED.**

**38-1-7**      **MULTIPLE UNIT RATE.**

(A) Whenever **two (2)** or more residential dwelling units and/or commercial units are served by a single water meter, the bill shall be computed as if each unit were metered separately under the rate schedules listed in this Chapter. The minimum charge shall be computed in a like manner.

(B) Effective **May 1, 2022**, whenever **two (2)** or more residential dwelling units and/or commercial units are served by a single water meter, the following rates shall apply:

WATER – FLAT RATE  
\$9.18 per 1000 gallons  
Minimum \$9.18

WASTEWATER – FLAT RATE  
\$12.24 per 1,000 gallons of metered water  
Minimum \$12.24

(C) for **two (2)** or more residential dwelling units and/or commercial units served by single water meter as of **March 15, 2020**, subparagraph (B) shall not apply until such time as said residential dwelling units or commercial units are the subject of a transfer of ownership; and following said transfer of ownership, the rate schedule in subparagraph (B) above shall apply.

(D) Commencing with the first billing for each customer after **May 1, 2022** and on **May 1<sup>st</sup>** every year thereafter, any changes to the rate tables will be reviewed and may be adjusted by the Mayor and City Council each year or at any time deemed necessary by them.

**38-1-8**      **BILLING AND PAYMENT OF CHARGES.**

Charges for electric, water and sewer services shall be mailed monthly and payment shall be due on the **fifteenth (15<sup>th</sup>) day** of each month. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service on such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefore to the City. All bills for service shall be rendered as of the **first (1<sup>st</sup>) day** of the month following the month for which service is rendered and water meters read. All bills shall be payable by the **fifteenth (15<sup>th</sup>) day** of the month in which the bill is rendered. All bills not paid shall have a penalty of **five percent (5%)** added on the **sixteenth (16<sup>th</sup>) day** of said month. When the **fifteenth (15<sup>th</sup>) day** of any month shall be a Saturday, Sunday or a legal holiday, then such bills for service shall be paid on the next succeeding secular day without the penalty added.

(A) Any final bill for utility charges for electric, water and/or sewer to a non-owner-occupied property not covered by any deposit is required to be paid by the non-owner occupant within **ten (10) days** of the final bill. On the **eleventh (11<sup>th</sup>) day** the City will mail a bill from the utility to the owner/landlord who will have **twenty-five (25) days** to pay the outstanding balance. If the owner/landlord does not pay the bill within **twenty-five (25) days** the City will have the right to place a lien on the owner/landlord's rental property. All utilities past or present must be paid before a new non-owner occupant, or tenant can put services in his or her name. If the landowner allows a new tenant to move in prior to the previous utility account being paid in full, the account will be opened in the landlord's name, and the landlord will be responsible for the deposit and all utilities bills.

(B) Any final bill for utility charges for electric, water and/or sewer to an owner-occupied property not covered by any deposit is required to be paid within **ten (10) days** of the final bill. On the **eleventh (11<sup>th</sup>) day** the City will mail a notice from the utility to the owner who will have another **twenty-five (25) days** to pay the outstanding balance. If the owner does not pay the bill within **twenty-five (25) days** the City will have the right to place a lien on the owner's property.

(C) Any customer who fails to pay the utility bill by **8:00 A.M.** on the **fourth (4<sup>th</sup>) day** of the succeeding month of having received a bill, will be subject to having utilities service disconnected after a written notice by the City Utility Billing Office, having been mailed first class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **seventeen (17) days** after billing, specifically advising the customer of the following:

- (1) Name and address of the customer and amount due for services including late penalties.
- (2) The date, time, and location of the hearing to be held.
- (3) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
- (4) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (5) The date of termination.

**[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]**

(D) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the City based on the information received at the hearing. **(See Appendix #6)**

(E) The customer shall be notified within **five (5) 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.

(F) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or shall the notice be returned non-accepted, then the City shall also have the right to terminate the customer's utility services without further proceedings.

(G) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.

(H) In the event such delinquent charges are not paid in full to the City Collector by **8:00 A.M.** on the **fourth (4<sup>th</sup>) day** of the succeeding month, a delinquent fee of **Thirty-Five Dollars (\$35.00)** shall be charged to all accounts with a delinquent balance. Also, a City employee shall be sent to the premises to disconnect such delinquent user from the electric, water and sewer system without further notice.

Once disconnection has been made, no reconnection shall be made until all delinquent charges for electric, water and sewer, and all penalties and delinquent fees have been paid in full to the City Collector, except, however, that if such services have been disconnected for a **third (3<sup>rd</sup>) time** within a period of **one (1) year**, a delinquent fee of **Seventy-Five Dollars (\$75.00)** will be charged, and in addition, the delinquent fee within the succeeding year shall be **Seventy-Five Dollars (\$75.00)**.

Disconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Thursday, only between **8:00 A.M.** and **12:00 Noon** on Friday, and only between **8:00 A.M.** and **12:00 Noon** when the City offices will be closed the following day. These hours provide the customer the opportunity to make payment and have service reconnected.

Reconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Friday.

Reconnections made after **3:00 P.M.** or on holidays or weekends will have an additional charge of **One Hundred Two Dollars Fifteen Cents (\$102.15)** to cover the overtime expense. **(Ord. No. 25-05; 05-06-25)**

**38-1-9**      **LIEN FOR CHARGES.** In the event the charges for electric, water and/or sewer service at any active utility account are not paid within **thirty-five (35) days** and at any closed utility account are not paid within **thirty-five (35) days** after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies may constitute liens upon the real estate for which such service is supplied, and the City Utility Billing Department is hereby authorized and directed to file from time to time sworn, detailed statements showing such delinquencies in the office of the Recorder of Deeds of Jasper County and the filing of such statement shall be deemed notice of the lien for payment of the service rendered. **(Ord. No. 25-05; 05-06-25)**

**38-1-10**      **BILLING FOR CHARGES.** It is hereby made the duty of the City Collector to render bills for service and for rates and charges in connection therewith and to collect all moneys due thereon. If the rates or charges for such service are not paid as provided herein, the City Collector is hereby authorized and directed to notify in writing the owner of the premises, the occupant thereof, and the user of the service that such delinquency exists and that service shall be discontinued without further notice. **(Ord. No. 08-8; 03-18-08)**

**38-1-11**      **DISPOSITION OF REVENUES.**  
 (A) All revenues and monies derived from the operation of the waterworks system and the sewerage system shall be held by the Collector in separate funds for each system, apart from all other funds of the City, and all of the said sums, without any deductions whatever, shall be delivered to the City 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 Council. **(Ord. No. 03-06; 05-06-03)**

(B) The City Treasurer shall receive all revenues from the waterworks system and the sewerage system and all other funds and monies incident to the operation of each system as the same may be delivered to the Treasurer and deposit the same in separate funds of the City of Newton, and the Treasurer shall administer each fund in every respect in the manner provided by Article 9 of the Illinois Municipal Code and all other laws thereunto enabling. **(Sec. 7.06) (Ord. No. 03-06; 05-06-03)**

**38-1-12**      **RECORDS; AUDIT.** The City Collector 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 separate waterworks system and sewerage system, and at regular annual intervals shall cause to be made an audit by an independent C.P.A. auditing concern of the books to show the receipts and disbursements of the separate waterworks system and sewerage system. **(Sec. 7.07) (Ord. No. 03-06; 05-06-03)**

**38-1-13**      **SEPARATE METERED CONNECTIONS REQUIRED.** No free service of the separate waterworks system and sewerage system of the City of Newton shall be furnished to any person, firm, organization or corporation, public or private, unless the Council may direct otherwise. Every user of the separate waterworks system and sewerage system of the City shall have a metered water connection to said system, according to rules and regulations set forth by the Council. A user who has an existing metered connection to the water system and sewerage system of the City may at the user's own expense install a separate water meter for water use only, for which separate meter no sewer system charge shall be made as long as that metered water does not utilize the sewer system of the City. **(Ord. No. 03-06; 05-06-03)**

**38-1-14**      **CONNECTION PERMITS; FEES.**

(A)            The City Clerk is hereby authorized to grant such permits as the Clerk may deem proper, allowing persons to connect to the waterworks system and the sewerage system. The applicant shall pay for the material (which may include but not limited to, piping, fittings, the meter, backfill material, and/or boring under roads) required for installing the water service from the main to the meter on the premises in the manner prescribed by the City. The permit fee for the connection to the sewerage main shall be **Two Hundred Fifty Dollars (\$250.00)** refundable deposit, refundable upon inspection of completed project of the sewer connection. The City will provide the sewer connection fitting. This shall be installed by a licensed plumber in the manner prescribed by the City. The applicant shall have a licensed plumber install the sewer service from the main to the residence or premises in the manner prescribed by the City. The permit fees described above shall be paid into the waterworks fund or sewer fund. A connection (tapping) fee shall not be charged if the owner uses an existing connection to the water or sewer main. A connection (tapping) fee/deposit shall only be assessed when a new connection is being made. **(Ord. No. 22-03; 03-01-22)**

(B)            No connection shall be made with the separate waterworks or sewerage system without the written permission of the City Clerk. No connection shall be made to any City owned waterworks main extension or sewage main extension without the written permission of the City Clerk. Any connection or opening made with the waterworks system or the sewerage system without such permission or in any manner different from the mode prescribed for such opening or connection shall subject the maker to the penalties provided for violation of this Chapter. **(Sec. 7.09) (Ord. No. 03-06; 05-06-03)**

(C)            The water connection charges for the Liberty Avenue extension are found in **Exhibit "A"** at the conclusion of this Chapter. **(Ord. No. 04-10; 10-19-04)**

(D)            **Waiver of Water and Sewer Connection Fees.** The City will waive all water and sewer connection fees for each industrial and commercial project in the Enterprise Zone with a total cost of the project exceeding **Ten Thousand Dollars (\$10,000.00)**, and any new construction residential project. The City Council will waive all water and sewer connection fees for each residential remodeling or rehabilitation project in the Enterprise Zone with a total cost of the project exceeding **Ten Thousand Dollars (\$10,000.00)**. The water connection fee that is hereby waived refers to the material (which may include but not limited to, piping, fittings, the meter, backfill material, and/or boring under roads) required for installing the water service from the main to the meter on the premises in the manner prescribed by the City. The connection to the sewerage main shall be **Two Hundred Fifty Dollars (\$250.00)** refundable deposit, refundable upon inspection of completed project of the sewer connection. **(Ord. No. 25-03; 03-04-25)**

**38-1-15**      **APARTMENT BUILDINGS; METERS.**

(A)            When water service is furnished through less than the required number of meters to existing apartment buildings or a combination of existing buildings including business buildings, dwellings, apartment buildings, mobile homes not in state approved mobile home courts, and all other existing buildings under the same ownership, the water charges shall be determined by multiplying the minimum water rate by the number of meters on buildings being served with water.

(B)            Apartment buildings constructed after **October 9, 1969** shall have separate outside water and electric meters for each apartment.

The word, "construction", for purposes of this Section, is defined to mean the building or erection of a new apartment building structure; or the altering, remodeling or revision of an existing structure which changes a single-family dwelling to a multi-family dwelling.

(C)            All meters now in series shall be put on parallel service.

(D)            All new construction considered to be a main building and not adjoining any building or buildings will have separate water meters outside.

- (E) The sharing of meters between **two (2)** property owners shall not be permitted.
- (F) All waterline connections shall be staked with a minimum of four (4) inch channel iron **five (5) feet** long at each water valve and tee and shall be inspected by the Water Department employees before they are covered over. **(Ord. No. 96-19; 10-15-96)**
- (G) Any person violating any provision of this Section shall be given **sixty (60) days** written notice of such violation and the opportunity for that period of time to eliminate such violation. Thereafter any such person violating this Section shall be fined not less than **Five Dollars (\$5.00)** per day for each day during or on which a violation occurs or continues.

**38-1-16**      **MANUFACTURED HOMES.** The owners or occupants of manufactured homes or mobile homes within the City are required to install water meters and make connections to the City water system for each manufactured home or mobile home immediately upon the same becoming a place of residence or being occupied for any purpose.

In addition to the requirements of this Section, said owners or occupants shall comply with all existing regulations governing the use and operation of the City water system.

Any person violating the provisions of this Section shall be denied the use of City water.

Any water line shut-off shall be located inside the mobile home during new construction or remodeling.

**38-1-17**      **RESIDENTIAL SERVICE DEPOSIT.** Any person, firm or corporation, whether as owner or as tenant, who applies after **March 18, 2008** for water and/or sewer service for residential purposes, shall pay to and maintain with the City Collector a service deposit as advance security for the payment of charges for service furnished. The deposit amount shall be **Three Hundred Fifty Dollars (\$350.00)** for a current City customer with a fair payment history or a new customer with a fair credit rating. Upon transfer of a deposit, the deposit amount shall be **Five Hundred Dollars (\$500.00)** for a current City customer with a poor payment record or a poor credit rating. The deposit amount shall be **Five Hundred Dollars (\$500.00)** for a new customer with a poor credit rating. After **one (1) full year** of service history without a disconnection notice **Two Hundred Dollars (\$200.00)** of the **Three Hundred Fifty Dollar (\$350.00)** or the **Five Hundred Dollar (\$500.00)** original deposit shall be credited to the property owner's current bill as a refund. To receive the **Two Hundred Dollars (\$200.00)** credit, proof of ownership (a copy of the recorded deed) shall be provided to the City Collector. After **two (2) full years** of service history without a disconnection notice **One Hundred Fifty Dollars (\$150.00)** of the original **Five Hundred Dollar (\$500.00)** deposit shall be credited to the property owner's current bill as a refund upon the owner's request to the City Collector. Upon termination of services, the remaining property owner's deposit shall be applied to the property owner's final bill and the excess if any shall be refunded to the property owner. Upon termination of a tenant's services, the tenant's **Three Hundred Fifty Dollars (\$350.00)** or **Five Hundred Dollars (\$500.00)** deposit shall be applied to the tenant's final bill and the excess if any shall be refunded to the tenant.

Notwithstanding the foregoing, a residential customer's total deposit for water and/or sewer service shall not exceed **Five Hundred Dollars (\$500.00)**. **(Ord. No. 08-8; 03-18-08)**

**38-1-18**      **COMMERCIAL SERVICE DEPOSIT.** Any person, firm or corporation, whether as owner, or as tenant, who applies after **November 20, 2001** for electric service, water and/or sewer service shall pay to and maintain with the City Collector a service deposit of **Three Hundred Fifty Dollars (\$350.00)** or a sum determined to be equal to the average monthly charge for such electricity, water and sewer services, whichever is greater. The average commercial consumption and billing expected to be used shall be determined by proper employees of the electric, water and sewer departments of the City. Such deposit is an advance security for the payment of charges for services furnished. After **one (1) full year** of service history without a disconnection notice any amount of the original owner's deposit exceeding the average monthly charge for electricity, water and sewer services

shall be credited to the property owner's current bill as a refund. To receive credit, proof of ownership (a copy of the recorded deed) shall be provided to the City Collector. Upon termination of services, the remainder of the property owner's deposit shall be applied to the property owner's final bill and the excess if any shall be refunded to the property owner. Upon termination of a tenant's services, the tenant's original deposit shall be applied to the tenant's final bill and the excess if any shall be refunded to the tenant.

Notwithstanding the foregoing, a commercial customer's total deposit for electricity, water and/or sewer service shall not exceed **Three Hundred Fifty Dollars (\$350.00)** or a sum determined to be equal to the average monthly charge for electricity, water and sewer service, whichever is greater.

**Landlords of Unoccupied Rental Property.** In lieu of a cash utility deposit of **Three Hundred Fifty Dollars (\$350.00)** or **Five Hundred Dollars (\$500.00)** an owner of an unoccupied rental property/unit, the utilities for which have been placed in owner's name, shall pay to and maintain with the City Collector a service deposit of **Fifty Dollars (\$50.00)**, **One Hundred Seventy-Five Dollars (\$175.00)** or **Three Hundred Fifty Dollars (\$350.00)**, the amount to be determined by the owner's current payment history or a current credit rating. The deposit for a good credit rating shall be **Fifty Dollars (\$50.00)**, a fair credit rating shall be **One Hundred Seventy-Five Dollars (\$175.00)** and a poor credit rating shall be **Three Hundred Fifty Dollars (\$350.00)**. Upon rental/occupancy of the property/unit a cash deposit shall be required in accordance with present Ordinance, irrespective of whether the utilities remain in the owner's name or are placed in the renter's name.

**Industrial.** Any person, firm or corporation, whether as owner, or as tenant, who applies after **March 18, 2008** for electric service, water and/or sewer service shall pay to and maintain with the City Collector a service deposit of **Three Hundred Fifty Dollars (\$350.00)**. Such deposit is an advance security for the payment of charges for services furnished. Upon termination of service, the original deposit shall be applied to the final bill and the excess if any shall be refunded to the customer. To be eligible for the **Three Hundred Fifty Dollar (\$350.00)** Industrial Rate deposit, the customer must create **ten (10)** or more new jobs within the first year of their doing business in the City and retain those jobs for a minimum of **five (5) years**. The Industrial Rate deposit amount of **Three Hundred Fifty Dollars (\$350.00)** shall terminate automatically if the new employer (a) fails to create **ten (10)** or more full time jobs in the City within the first year or (b) fails to retain those **ten (10)** or more jobs for a minimum of **five (5) years**, at which time the Commercial Deposit policy shall be enforced. **(Ord. No. 08-8; 03-18-08)**

**38-1-19 UNOCCUPIED RENTAL PROPERTY.** In lieu of cash utility deposit(s) an owner of an unoccupied rental property/unit, the utilities for which have been placed in owner's name, may provide in favor of the City an Irrevocable Letter of Credit from a financial institution in a form suitable to the City and in an amount determined by multiplying the number of rental properties/units owned by the amount of the required utility deposit. Upon rental/occupancy of the property/unit a cash deposit shall be required in accordance with present Ordinance, irrespective of whether the utilities remain in the owner's name or are placed in the renter's name. The Irrevocable Letter of Credit shall be deposited with and retained by the City Clerk. **(Ord. No. 02-02; 01-02-02)**

**38-1-20 PLASTIC WATER PIPE.** It shall be lawful for any person, including the City, making connections with the municipal water line to install in addition to copper lines or other heretofore approved pipe, the following polyethylene plastic pipe:

- (A) **three-fourths (3/4)** size -- OD .875 -- maximum PSI 160;
- (B) **one (1) inch** size -- OD 1.125 -- maximum PSI 160;
- (C) Pipe larger than **one (1) inch** PVC -- Schedule 26 plastic pipe or better.

**38-1-21 REGULATIONS.** The City Council is authorized to make such rules and regulations consistent with this Chapter for the connections to the waterworks and sewerage system, specifying the types and sizes of pipes and all other appurtenances and extensions thereto, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the waterworks and sewerage systems shall comply with the said specifications and rules.

**38-1-22**      **ENTRY FOR INSPECTION.** Employees of the waterworks and sewerage system shall have the right at all times of access to any person's premises for repairs or meter readings. Any person refusing the right to permit the said employees of the waterworks and sewerage system the above described right of access to his premises shall be subject to a penalty as hereinafter provided.

**38-1-23**      **FILING OF REGULATIONS.** A copy of this Chapter, properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of Jasper County and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks and sewerage systems of the City on their properties, and it shall be the duty of the City Clerk and such other officer of this City to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims for money due to the City and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

**38-1-24**      **EXCEPTIONS TO DISCONNECTION OF SERVICE.**

(A)            Anyone with a serious illness necessitating the need for continuation of water and/or sewer service who is living full time at a residence scheduled for disconnection of service may contact a duly licensed physician. If the City Clerk receives, prior to disconnection of service, a written confirmation of the illness from a duly licensed physician, the water and/or sewer service shall not be disconnected for a period of **thirty (30) days** from the day the written confirmation is received by the City Clerk if the customer complies with both of the following conditions, to-wit:

- (1)            The duly licensed physician's statement must include the name, address and telephone number of the ill person; verification that the ill person is a full-time resident of the premises; the nature and duration of the illness verifying that termination of the water and/or sewer service in question will create a life-threatening situation; and the business name and telephone number of the certifying physician.
- (2)            The customer must make full payment of all delinquent water and/or sewer service charges and all penalties within **thirty (30) days** after the City Clerk's receipt of the said physician's written confirmation otherwise, the water and/or sewer service shall be disconnected on or after the **thirty-first (31<sup>st</sup>) day** after the Clerk's receipt of the said written physician's confirmation.
- (3)            The City reserves the right to verify any and all information concerning a customer's illness.

(B)            Any person receiving a disconnection notice who believes there has been an error in billing, malfunction of metering equipment or other just cause, may request a hearing before the City Council. A request for hearing by the customer must be submitted in writing to the City Clerk before disconnection has occurred. The hearing will take place within **fifteen (15) days** of the receipt of the customer's request for hearing. A decision will be rendered following the hearing. Until the hearing has been held and decision rendered, the customer's service will not be disconnected. Should the City Council's decision after the hearing be to disconnect the water and/or sewer service, the customer will be so notified by written notice not less than **seven (7) days** prior to disconnection of service. **(Ord. No. 01-25; 11-20-01)**

**38-1-25**      **WATER LEAK ADJUSTMENT.** When a customer of the Water and/or Sewer Service of the City shall suffer a water leak, the City shall adjust that customer's water and/or sewer bill for the month in which the leak occurs as follows: The preceding **six (6) month** average of the customer's water usage shall first be determined, that amount shall be subtracted from the total amount of gallons metered during the month of the leak. The balance shall constitute the leaked gallons. The customer shall pay the customer's average monthly usage as determined plus **fifty percent (50%)** of the leaked gallons. Charges for sewer in the month of the water leak shall be adjusted in the same manner if the water went down the sewer. If the water did not go down the sewer, the sewer charge

shall be calculated for the customer's **six (6) month** average and the sewer charges above the average removed. There shall be no adjustment for filling of pools, except in the case of new construction or liner replacement of pools requiring **five thousand (5,000) gallons** or more of water in which case the City will only charge for the water used to fill the pool (based on the pools' water capacity) and will not charge for sewer on the water so used.

The water/sewer leak adjustment policy shall commence as of **March 1, 2016**. This adjustment shall only occur **one (1)** time per customer, regardless of the customer's location. **(Ord. No. 16-02; 07-05-16)**

**38-1-26**      **JETTER TRUCK SERVICE LINE CLEANING FEES.** There is hereby established the following fees on a calendar year basis for use of the City's Jetter Truck Service Line Cleaning services, as follows:

- (A)            First time out **One Hundred Fifty Dollars (\$150.00)** and **Three Hundred Dollars (\$300.00)** on weekends, holidays, or after normal business hours.
- (B)            Second time out **Three Hundred Dollars (\$300.00)** and **Four Hundred Fifty Dollars (\$450.00)** on weekends, holidays, or after normal business hours.
- (C)            Third time out **Four Hundred Fifty Dollars (\$450.00)** and **Six Hundred Dollars (\$600.00)** on weekends, holidays, or after normal business hours.
- (D)            Fourth time out **Six Hundred Dollars (\$600.00)** and **Seven Hundred Fifty Dollars (\$750.00)** on weekends, holidays, or after normal business hours.
- (E)            Fifth time, the City will not respond with the Jetter Truck.

**(Ord. No. 14-15; 09-16-14)**

## ARTICLE II - WATER SYSTEM

## DIVISION I - GENERAL REGULATIONS

- 38-2-1** **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:
- (A) **Federal Government.**
- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
  - (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
- (B) **State Government.**
- (1) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.
  - (2) **"Director"** means the Director of the Illinois Environmental Protection Agency.
  - (3) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.
- (C) **Local Government.**
- (1) **"Approving Authority"** means the City Council of the City of Newton or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.
- (D) **"Person"** shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.
- (F) **Water and Its Characteristics.**
- (1) **"ppm"** shall mean parts per million by weight.
  - (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml 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 analysis.
  - (3) **"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.
- (G)
- (1) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
  - (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.
  - (3) **"Service Box"** shall mean a valve box used with corporation or curb cock.
- (H) **Types of Charges.**
- (1) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
  - (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
  - (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.

- (4) ***"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.
- (5) ***"Capital Improvement Charge"*** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) ***"Local Capital Cost Charge"*** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.
- (7) ***"Replacement"*** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) ***"Useful Life"*** shall mean the estimated period during which the water works will be operated.
- (9) ***"Water and Sewer Fund"*** is the principal accounting designation for all revenues received in the operation of the water system.

**38-2-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Appendix #1)**

**38-2-3 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.

**38-2-4 REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

**38-2-5 INSTALLING AND MAINTAINING SERVICE LINES.** The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths (3/4) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

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

**38-2-6            INSPECTION.**

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

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

**38-2-7            METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

**38-2-8            DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City shall 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, extensions or renewals.

**38-2-9            RESALE OF WATER.** No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

**38-2-10          DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City, or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

**38-2-11          ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

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

**38-2-12**      **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed 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.

**38-2-13**      **FIRE HYDRANTS.**

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

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

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

**38-2-14**      **LIMITED WATER USAGE IN EMERGENCIES.**

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

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

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

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

**38-2-15**      **SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

**38-2-16**      **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time,

the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-2-17**      **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

**38-2-18**      **USE OF WATER ON CONSUMER'S PREMISES.** The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

**38-2-19**      **ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY.** The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

**38-2-20**      **CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

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

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

**38-2-21**      **WATER WELL PERMITS REQUIRED.** It shall be unlawful to drill a water-well in the City without the proper permits from the State of Illinois and the City Council. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

**38-2-22**      **ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is

known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

**38-2-23 ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

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

**38-2-24 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

**38-2-25 - 38-2-30 RESERVED.**

**ARTICLE III - UTILITY EXTENSIONS**

**38-3-1**        **APPLICATION FOR SERVICE OUTSIDE THE CITY.** Any person desiring water service outside the corporate limits shall apply in writing to the City Clerk. any such application shall be referred to the City Council for action at its next regular meeting.

**38-3-2**        **EXTENSION OF SERVICE OUTSIDE THE CITY.** No utility services shall be extended to new users or customers outside the corporate limits of the City except by affirmative vote of the majority of the members of the City Council then elected. No application may be considered for approval unless the applicant shall first have agreed in writing to enter into a binding agreement with the City as follows:

(A)            The property for which service is sought will be annexed to the City of Newton by petition of the owner if and when such property becomes contiguous to the City, or the property qualifies for annexation to the City pursuant to the State Statutes now in effect or later amended; and

(B)            All sewage disposal systems shall be installed at the expense of the owners, and shall meet Federal and State EPA regulations and be State of Illinois approved. If, at some future date, it becomes necessary, either by Federal or State regulation, to install a sewage disposal system different from those systems presently approved, it shall be the duty of the owners, at their expense, to install said sewage disposal system to meet any and all Federal and/or State requirements. Further, at the time the property becomes annexed to the City, the property owners shall comply with the City Code, including the Sewer Use Code, Chapter 38; Article V, as amended. There is presently no duty imposed on the City, nor is there a duty imposed by virtue of this Chapter, requiring the City to provide public sewer connections to the said property owners. In the event the property owners elect to connect, or is required by Federal or State EPA rules to connect to the City sewer system, the cost of such connection to within **two hundred (200) feet** of the then existing nearest public sewer connection, shall be the sole expense of the property owner. The City shall have no duty or responsibility to extend any existing sewer connection line to any property.

**38-3-3**        **AGREEMENT TO ANNEX.** Upon approval of any application for service outside the corporate limits of the City, as provided in this Chapter, such application shall be referred by the Council to the City Attorney. The City Attorney shall draft a suitable agreement to be entered into be the City and the applicant. In addition to the requirements of **Section 38-2-2**, such agreement shall provide that its terms are binding upon the applicant and any future owners of such property and shall constitute an encumbrance upon the property which is a covenant running with the land.

**38-3-4**        **RECORDING OF AGREEMENT.** Any agreement for extension of water service outside the corporate limits of the City, shall be signed by all owners of record of such property and by the Mayor, shall be attested by the City Clerk and shall be acknowledged by all parties. After the agreement has been signed and acknowledged as provided, the City Clerk shall cause said agreement to be recorded in the records of Jasper County.

**38-3-5**        **REGULATIONS CONCERNING CONNECTIONS AND EXTENSIONS.**

(A)            Such approved applicants shall pay all construction costs, legal costs, and engineering costs necessary for the construction of any extended water line and/or extended water main.

(B)            Upon construction of such water line, the same shall become the property of the City of Newton, Jasper County, Illinois, upon its inspection and acceptance as herein provided.

(C)            No such construction shall be commenced without first obtaining prior approval for such project as herein specified.

(D) Upon completion of such water line, the City shall test and approve the said line which must likewise meet all requirements of the State of Illinois and the United States of America and the appropriate regulatory authorities and agencies of such government.

(E) After the water line has been tested and approved, the applicants and builders of such line shall apply to the City for final acceptance of the extension or connection, and at such time shall provide the City with an itemized bill reflecting the actual total cost of installation. The bill shall include the following:

- (1) Total material cost itemized in cost per foot of pipe.
- (2) Total labor cost itemized in cost per man-hours worked.
- (3) Total equipment cost itemized in rental or owner cost per hour including fuel.
- (4) Total engineering cost verified by a bill from the engineering firm.
- (5) Total legal costs verified by a bill from the Attorney.

(F) Applicants shall be entitled to charge a pro-rated tap-on fee to recover their total installation cost, which shall be set at the time of the final application to the City for its acceptance. Applicants shall have a period of **twenty (20) years** in which to recover their total installation costs. Any cost not recovered within the said **twenty (20) year** period of time shall become the expense of the applicants. In the event the total cost shall be recovered in less than **twenty (20) years**, the pro-rated tap-on fee shall terminate and only the tap fee then required by the City shall be charged.

(G) All tap fees shall be collected by the City. The tap fees shall include the tap fee charged by the City and the pro-rated tap-on fee charged by the applicants. Only the pro-rated tap-on fee shall be credited to the recovery of the applicant's total installation cost.

(H) The City reserves the right to specify oversized pipe at designated locations, but agrees to pay the difference in material cost and any other cost between the oversized pipe and the standard size pipe. From and after **October 1, 1996**, all water line extensions shall have a minimum diameter of **six (6) inches. (Ord. No. 96-18; 10-01-96)**

(I) Taps to the extensions or connections shall only be permitted at intervals of **one hundred (100) feet** or more.

(J) In the event of a further extension to the project approved, the original constructors shall be entitled to **one (1) tap fee** only, but shall not recover any tap fees from more than **one (1) extension** of such project.

(K) Prior to commencing construction, it shall be the responsibility of such applicants to obtain any required State permits or any other required easements, at their own expense, and such plans for the extension or connection shall meet the approval of the City engineers for the City of Newton.

(L) The applicants shall likewise grant to the City such easements as shall be required by the City, to permit the City to enter upon the premises for the purpose of maintaining, repairing, and altering such extension or connection and to install and read and maintain such water meters as shall from time to time be required. All such easements shall be prepared at the expense of applicants. Such easements shall likewise permit entering upon such property for the purpose of constructing further extensions or connections.

(M) No extension or connection outside of the City limits shall be further extended without the prior approval of the City.

(N) Nothing herein contained shall obligate the City to become a guarantor of a supply of water, and in the event of equipment failure, drought, natural disaster, act of God, or conditions beyond the control of the City, the City shall not be liable for any damages sustained as a result of interruption in the supply of water.

(O) Only the original constructors shall share in the division of any tap fees but such original constructors may assign their rights under such agreement as they shall from time to time agree. Such fees may be divided among such persons as they shall agree.

(P) After acceptance of such water line, the City shall maintain the water line from such date at its own expense and shall keep it in proper working condition so as to provide water service to the property owners on the same availability basis as provided to residents of the City.

(Q) The City reserves the right to adjust or alter the charge for such water supply as it shall from time to time determine to be necessary.

(R) Any property owners or users connecting to the extension or connection shall be subject to all the aforementioned rules and regulations and any further rules or regulations adopted by the City concerning said extension or connection. In addition, such users shall be subject to all rules and regulations established for water users located inside the City limits, except those portions which are in conflict with rules and regulations covering property owners residing outside the City.

(S) Any person desiring to connect to, repair, or maintain any type of City Utility located outside of the City Limits shall be required to make a deposit of **Five Hundred Dollars (\$500.00)** to the Newton City Clerk prior to commencing any work relative thereto. Such deposit is for the purpose of insuring that any work is done in a workmanlike manner with all damage to roads, streets and easements properly repaired. Upon completion of the work, the City and any other Township, County or State authority involved shall be notified and allowed to inspect the work. If such work has been performed satisfactorily and no damage exist, the deposit shall be returned to the person making the deposit otherwise the deposit shall be forfeited to the City or other Township, County, or State authority which has suffered the damage. Nothing herein shall limit the liability of any person who has caused damage to the City, Township, County or State for such damages. **(Ord. No. 00-07; 07-18-00)**

**38-3-6**            **PENALTIES.**

(A) Any person convicted of violating the provisions of this Chapter shall be subject to a penalty as provided in **Section 1-1-20** of this Code.

(B) **Tampering.** It shall be unlawful for any person not authorized by the City to tamper with, alter or injure any part of the City water works and sewerage system, or any part of a City owned waterworks main extension or sewerage main extension, or any meter. Any person found to be in violation of this provision shall be subject to the penalties provided for in the City Code.

(C) Nothing in this Chapter shall be interpreted as prohibiting the institution of criminal charges against any person stealing water from the City by bypassing a meter, tampering with a meter or by any other means.

**ARTICLE IV - CROSS-CONNECTION****DIVISION I - ADMINISTRATION**

**38-4-1**        **APPROVED BACKFLOW DEVICE.** All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**38-4-2**        **CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**38-4-3**        **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

**38-4-4**        **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

**38-4-5**        **NOTICE TO CUSTOMER; RECONNECT FEE.**  
 (A)            The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **Two Hundred Dollars (\$200.00)** is paid to the City Clerk.

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

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

**38-4-6**      **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-4-7 - 38-4-8**      **RESERVED.**

**DIVISION II - CROSS-CONNECTION REGULATIONS**

**38-4-9**            **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.

**38-4-10**            **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

**38-4-11**            **RESPONSIBILITY OF OWNER: SHUT-OFF VALVE INSIDE BUILDING.**

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

**38-4-12**            **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.

**38-4-13**      **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.

**38-4-14**      **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.

**38-4-15**      **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 of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

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

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

- (1)            All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2)            Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

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

**38-4-16      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.

**38-4-17**      **TYPE OF PROTECTION REQUIRED.**

(A)      The type of protection required under **Section 38-4-16** 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 38-4-16** 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.

**38-4-18**      **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.

**38-4-19 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 38-4-19(A)**.

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

**38-4-20 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.

**38-4-21 VIOLATIONS AND PENALTIES.**

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the

Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

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

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

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

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

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

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

## ARTICLE V - WELL SET-BACK ZONES

**38-5-1**        **PURPOSE.** Pursuant to the authority conferred by **65 ILCS Sec. 5/11-125-4 (1992); 415 ILCS Sec. 5/14.2, and 5/14.3 (1992); 65 ILCS Sec. 5/7-4-2 (1992);** and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Chapter shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (**415 ILCS Sec. 5/14.2 (1992)**) and this Chapter, and the maximum setback zone established under Section 14.3 of the Act (**415 ILCS Sec. 5/14.3 (1992)**) and this Chapter.

**38-5-2**        **DEFINITIONS.** Except as stated in this Chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall be the same as those used in the Act and the Illinois Groundwater Protection Act (**415 ILCS Sec. 55/1 (1992)**):

**"Act"** means the Environmental Protection Act (**415 ILCS Sec. 5/1 (1992)**).

**"Agency"** means the Illinois Environmental Protection Agency.

**"Board"** means the Illinois Pollution Control Board.

**"Maximum Setback Zone"** means the area around a community water supply well established under Section 14.3 of the Act and this Article and described in Appendix A.

**"Minimum Setback Zone"** means the area around a community water supply well established under Section 14.2 of the Act and this Article, and described in Appendix A.

**[Map in Appendix "A" on file at City Hall.] (Ord. No. 13-1; 01-02-13)**

**38-5-3**        **PROHIBITIONS.**

(A) Except as provided in **Section 38-5-4** or **38-5-5** of this Article, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(B) Except as provided in **Section 38-5-4** of this Article, no person shall place a new potential primary source within the maximum setback zone.

**38-5-4**        **WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD.**

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from **Section 38-5-3(A)** of this Article.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-5-3(A)** of this Article.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-5-3(B)** of this Article.

(D) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to **Section 38-5-3(A)** of this Article to the same extent that such owner is not subject to Section 14.2(d) of the Act.

**38-5-5**        **EXCLUSION.**    **Section 38-5-3(A)** of this Article shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

**38-5-6**        **WELLS INSIDE CITY.**

(A)            **Definitions.**

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

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

(B)            **Use of Groundwater as a Potable Water Supply Prohibited.** The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City by the installation or drilling of wells or by any other method is hereby prohibited, including at any points of withdrawal by the City.

(C)            **Penalties.** Any person violating the provisions of this Section shall be subject to a fine of up to **Seven Hundred Fifty Dollars (\$750.00)** for each violation. **(Ord. No. 04-8; 10-05-04)**

**(Ord. No. 96-21; 12-17-96)**

**ARTICLE VI - SEWER SYSTEM****DIVISION I - DEFINITIONS**

**38-6-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**"GOVERNMENT, FEDERAL".**

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

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

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

**"GOVERNMENT, LOCAL".**

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

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

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

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

**"GOVERNMENT, STATE".**

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

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

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

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

**"SEWER TYPES AND APPURTENANCES".**

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

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

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

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

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

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

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

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

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

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

**"TREATMENT":**

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

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

**"TYPES OF CHARGES":**

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

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

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

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

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

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

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

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

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

(J) **"Wastewater Service Charge"** shall be the charge per quarter or 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 City representative to sample and/or measure discharges.

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

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

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

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

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

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

**"WATERCOURSE AND CONNECTIONS":**

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

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

**"WASTEWATER AND ITS CHARACTERISTICS":**

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

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

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

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

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

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

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

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

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

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

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

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public 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.

**38-6-2 - 38-6-3      RESERVED.**

## DIVISION II

## USE OF PUBLIC SEWERS REQUIRED

**38-6-4**        **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

**38-6-5**        **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

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

**38-6-7**        **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City 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 City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred feet (200')** of the nearest property line and adequate to handle the additional connection, where determined to be required.

**38-6-8 - 38-6-9**        **RESERVED.**

## DIVISION III

## PRIVATE SEWAGE DISPOSAL

**38-6-10**      **PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-6-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

**38-6-11**      **HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the City (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **One Hundred Dollars (\$100.00)** shall be paid to the City at the time the application is filed.

**38-6-12**      **PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within hours of the receipt of written notice by the Superintendent.

**38-6-13**      **COMPLIANCE WITH STATE REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**38-6-14**      **AVAILABILITY OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-6-12**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**38-6-15**      **OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

**38-6-16**      **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

**38-6-17**      **TIME CONSTRAINTS FOR PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**38-6-18 - 38-6-20**      **RESERVED.**

## DIVISION IV

## BUILDING SEWERS AND CONNECTIONS

**38-6-21**      **DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**38-6-22**      **COMPLIANCE WITH REGULATING AUTHORITIES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-6-23**      **CLASSES OF PERMITS.**

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

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

(B)            In either case, the owner or his agent shall make applications on a special form furnished by the City. **(See Appendix)** The fee per connection shall be paid to the City at the time the application is filed pursuant to Article IV; Division III of this Chapter.

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

**38-6-24**      **COST BORNE BY OWNER.** All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

**38-6-25**      **SEPARATE SEWER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

**38-6-26**      **OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

**38-6-27**      **CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches**. If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch** or **five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the

building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

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

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

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

**38-6-28 PLUMBING CODE REQUIREMENTS.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

**38-6-29 ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-6-22** and discharged to the building sewer.

**38-6-30 PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

**38-6-31 CONNECTIONS TO SEWER MAINS.** Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

- (A) Installation of a manhole
- (B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter.
- (C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of one-half (1/2) inch gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

**On Site Inspection.** After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the

Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

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

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

**38-6-32 CAPACITY OF SEWER.** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**38-6-33 TAP-IN SUPERVISION AND TESTING.** The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

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

**38-6-34 INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet City's requirements.

**38-6-35 PUBLIC SEWER CONNECTION.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

**38-6-36 PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**38-6-37 BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

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

from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

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

**38-6-38**      **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-6-39 - 38-6-41**      **RESERVED.**

**DIVISION V - EXTENSION OF COLLECTING SEWERS**

**38-6-42**     **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, not an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

**38-6-43**     **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

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

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

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

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

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

**38-6-44**     **MATERIALS.** All sewer extensions shall be constructed of the following materials:

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

- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
- (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.
- (3) No clay pipe or tiles shall be permitted.

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

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

**38-6-45**     **INSPECTIONS OF CONSTRUCTION.** Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

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

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

**38-6-46**      **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **three hundred fifty (350) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers. The access diameter of the manhole shall be at least **twenty-two (22) inches.** (Ord. No. 98-3; 02-05-98)

**38-6-47**      **MANHOLE SPECIFICATIONS.** The following specifications shall apply to the installation of all sewer manholes:

- (A) Each manhole shall be a reinforced precast concrete structure with an inside diameter of **forty-eight (48) inches.** Each structure shall have a minimum wall thickness of **four (4) inches,** and shall have a precast concrete base using a positive seal gasket system to connect to the sewer lines.
- (B) Poured in place or "bricked" structures shall not be used.
- (C) Each precast structure shall be furnished with steel reinforced plastic steps.
- (D) Each joint between the precast components shall be sealed with a rubber mastic sealant, including all adjustment rings.
- (E) No more than **two (2)** precast adjustment rings shall be used to adjust the overall finished height of the manhole. In no case shall the total height of the adjustment rings exceed **eight (8) inches.**
- (F) The manhole frame and lid shall be cast iron. The frame shall be **nine (9) inches** in height and shall have a minimum access diameter of **twenty-two (22) inches.** The lid shall have a self sealing rubber bead around the inside perimeter, and the face of the lid shall be labeled "Sanitary Sewer". The frame and lid shall be R-1713 as manufactured by the Neenah Foundry Company, or an approved equal.

**38-6-48**      **RESERVED.**

## DIVISION VI

## USE OF PUBLIC WASTEWATER FACILITIES

**38-6-49**      **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-6-50**      **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

**38-6-51**      **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(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.

**38-6-52**      **HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and 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 City.

(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 City 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 City 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 City in compliance with applicable State or Federal regulations.

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

(I) Materials which exert or cause:

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

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

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

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

**38-6-53      HARMFUL WASTES; APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-6-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-6-42.**

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

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

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

**38-6-54 INTERCEPTORS PROVIDED.**

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure 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 City and shall be located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over of grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons**, and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the City wastewater collection and treatment system may be liable to the City for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the City. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and phone number.
- (2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next scheduled maintenance.
- (6) Copies of manifests.
- (7) The user shall be required to submit maintenance records to the City on an annual basis. Records shall be submitted by **September 1<sup>st</sup>** of each year. The records shall be submitted to:  
Attn: Wastewater Superintendent

(E) The City will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the City the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Greases (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

- (2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

- (1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.  
 (2) Said interceptor and installation is endorsed by the City Engineer.  
 (3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

**38-6-55 FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**38-6-56 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**38-6-57 INDUSTRIAL WASTE TESTING.**

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

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

**38-6-58 MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour**

composite

of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**38-6-59**      **SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division III of this Code)**

**38-6-60 - 38-6-64**      **RESERVED.**

**DIVISION VII****INSPECTIONS**

**38-6-65**      **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**38-6-66**      **INSPECTION AND TESTING.**  
(A)            The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of 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.

**38-6-67**      **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-6-66** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against 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 38-6-57**.

**38-6-68**      **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-6-69 - 38-6-70**      **RESERVED.**

**DIVISION VIII - PENALTIES**

**38-6-71**      **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-6-65** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

**38-6-72**      **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**38-6-73**      **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

**38-6-74**      **RESERVED.**

## DIVISION IX

## EXTENSION OF MAINS

**38-6-75      DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.**

(A)      **Determination of Who Pays Expense of Extension.** The City shall first determine if an extension of a sewer main is economically feasible based on the estimated extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the sewer main then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

(B)      **Requirements if Extension is Installed by Someone Other than the City.**

- (1)      The City 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, Environmental Protection Agency.
- (3)      Ownership, rights-of-way, and title must be conveyed to the City for all extensions installed by anyone other than the City. The City will maintain the mains thereafter.
- (4)      No extension will be permitted if in the opinion of the City Council, the system does not have the necessary capacity to serve the proposed extension.

**38-6-76      CHANGE IN OCCUPANCY.**

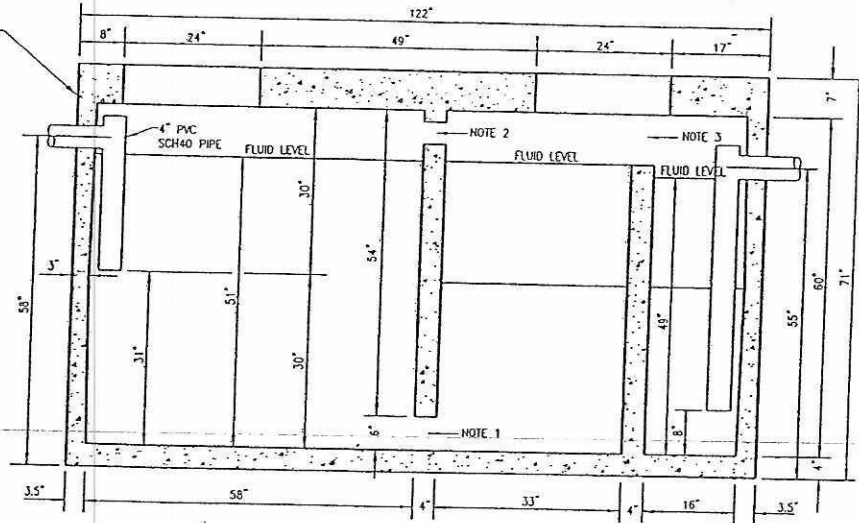
(A)      Any user requesting a termination of service shall give written notice to the City **ten (10) days** prior to the time such termination of service is desired.

(B)      Responsibility for payment for sewer service prior to the date of termination shall be with the property owners as well as the user.

(C)      There shall be no charge for transferring the sewer service to the subsequent user.

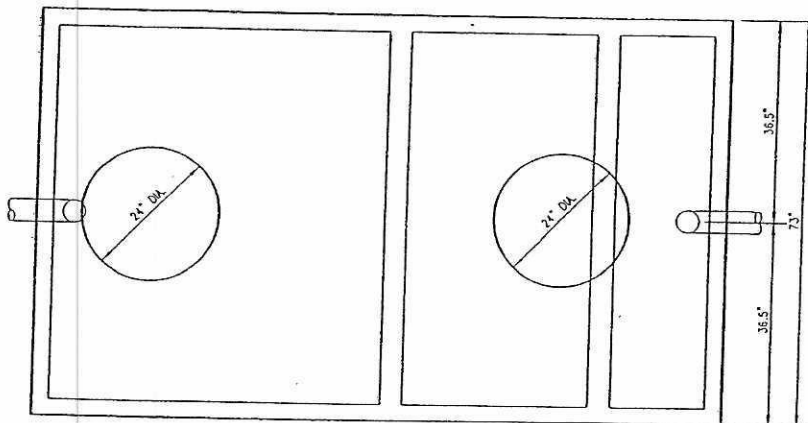
# APPENDIX A

ADD RISER SECTIONS TO GREASE INTERCEPTOR PER VILLAGE OF SWANSEA SEWER REQUIREMENTS TO ACHIEVE FINISH GRADE ELEVATION



- NOTE 1: 6'H x 32"W OPENING AT BOTTOM CENTERED
- NOTE 2: 2-4" DIAMETER HOLES - 2" DOWN - 4" OFF CENTER - 8" BETWEEN HOLES
- NOTE 3: 9'H x 24"W OPENING AT TOP CENTERED

**SIDE SECTION**



**TOP VIEW**

WEIGHT: 14,670 LBS

**NOTE:**  
THIS TANK IS NOT DESIGNED FOR VEHICULAR TRAFFIC. IF USED IN TRAFFIC AREAS A REINFORCED CONCRETE SLAB MUST SPAN THE TANK AND OVERDIG TO PROTECT THE TANK.

- OPTIONS:**
- GRADE RISERS (DONUTS)
  - FRAME & COVERS
  - LARGER INLET & OUTLET
  - BIO-GEM ENZYME ADDITIVE
  - SEALANT

**500 GALLON REINFORCED CONCRETE GREASE INTERCEPTOR**

EXCAVATION SIZE: 11'L x 7'W



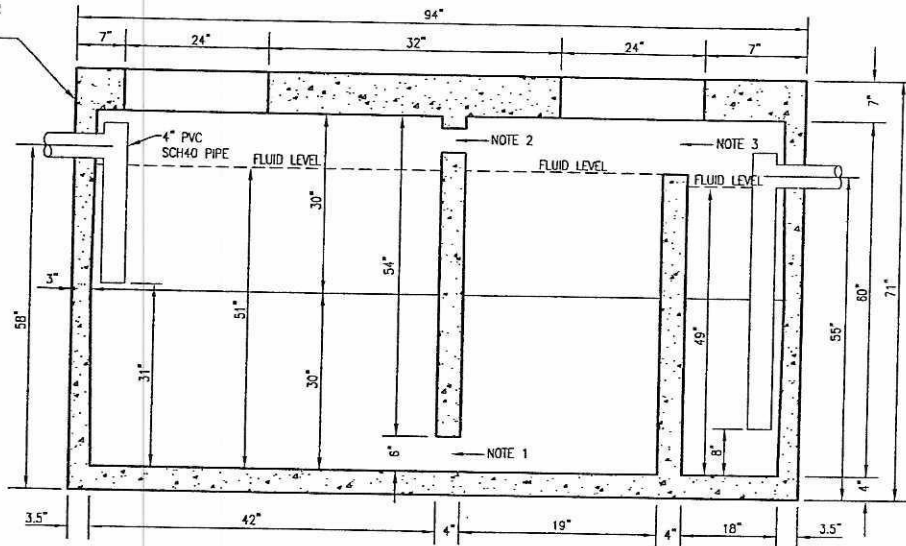
DRAWN BY: DLS

1500 GALLON REINFORCED CONCRETE GREASE INTERCEPTOR

GREASE TRAP (1500 GALLON)

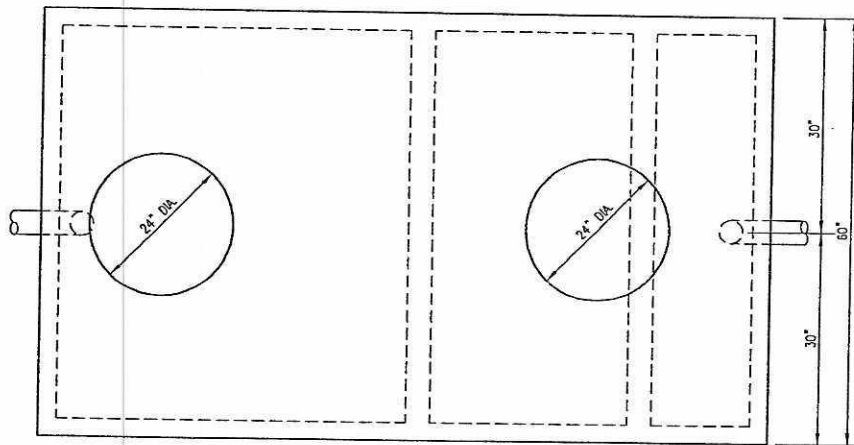
# APPENDIX "B"

ADD RISER SECTIONS TO GREASE INTERCEPTOR PER VILLAGE OF SWANSEA SEWER REQUIREMENTS TO ACHIEVE FINISH GRADE ELEVATION



- NOTE 1: 6" H x 32" W OPENING AT BOTTOM CENTERED
- NOTE 2: 2-4" DIAMETER HOLES - 2" DOWN - 4" OFF CENTER - 8" BETWEEN HOLES
- NOTE 3: 9" H x 24" W OPENING AT TOP CENTERED

**SIDE SECTION**



**TOP VIEW**

WEIGHT: 14,670 LBS

**NOTE:**

THIS TANK IS NOT DESIGNED FOR VEHICULAR TRAFFIC. IF USED IN TRAFFIC AREAS A REINFORCED CONCRETE SLAB MUST SPAN THE TANK AND OVERDIG TO PROTECT THE TANK.

**OPTIONS:**

- GRADE RISERS (DONUTS)
- FRAME & COVERS
- LARGER INLET & OUTLET
- BIO-GEM ENZYME ADDITIVE SEALANT

**1000 GALLON REINFORCED CONCRETE GREASE INTERCEPTOR**

EXCAVATION SIZE: 9'L x 6'W



DATE: 1/21/05  
DRAWN BY: DLS

1000 GALLON REINFORCED  
CONCRETE GREASE INTERCEPTOR

GREASE TRAP  
(1000 GALLON)