

CHAPTER 38

WATER AND SEWER

ARTICLE I – DEPARTMENT ESTABLISHED

**38-1-1 ORGANIZATION.** The Water and Sewer Department shall be a subordinate department of the Department of Public Health and Safety. The Department shall consist of the Water and Sewer Distribution and Collection Systems Foreman, the Water Plant Foreman and such other employees as may be appointed to the Water and Sewer Department from time to time.

**38-1-2 WATER AND SEWER DISTRIBUTION AND COLLECTION SYSTEMS FOREMAN DUTIES.** Whenever a vacancy occurs in the position of Water and Sewer Distribution and Collection Systems Foreman, such position shall be filled by appointment by the Commissioner of the Department of Public Health and Safety, subject to the approval of the Council. The Water and Sewer Distribution and Collection Systems Foreman shall, under the direction of the Public Works Director and the general supervision of the Commissioner of the Department of Public Health and Safety, be in charge of repair and maintenance of the entire water distribution and sewer collection systems. The Water and Sewer Distribution and Collection Systems Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Health and Safety, the Water and Sewer Distribution and Collection Systems Foreman shall have the authority to recommend the employ and discharge of all subordinate employees assigned to the water and sewer distribution and collection systems and, in the interests of the City, to direct the work of all such subordinate employees and to effectively recommend to the Commissioner of Public Health and Safety the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of any of their grievances.

The Water and Sewer Distribution and Collection Systems Foreman shall have, at the minimum, received Certificates as a Class "D" Water Operator and as a Class "4" Wastewater Operator, and he shall be required as a condition of continued employment in said position to continue a required course of study and instruction to obtain a Class "A" Water Operator's license and a Class "2" Wastewater Operator's License within **eight (8) years** of commencing said course of study. Within **six (6) months** of his date of employment the Water and Sewer Distribution and Collection Systems Foreman shall have obtained a Class "B" CDL license with tanker and brake endorsement thereon.

**38-1-3**      **WATER PLANT FOREMAN DUTIES.** Whenever a vacancy occurs in the position of Water Plant Foreman, such position shall be filled by appointment by the Commissioner of the Department of Public Health and Safety, subject to the approval of the Council. The Water Plant Foreman shall, under the direction of the Public Works Director and the general supervision of the Commissioner of the Department of Public Health and Safety, be in charge of and operate the Water Treatment Plant of the City. The Water Plant Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Health and Safety, the Water Plant Foreman shall have the authority to recommend the employ and discharge of all subordinate employees assigned to the Water Treatment Plant and, in the interests of the City, to direct the work of all such subordinate employees and to effectively recommend to the Commissioner of Public Health and Safety the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of any of their grievances.

The Water Plant Foreman shall have, at the minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class "D" Water Operator, and he shall be required as a condition of continued employment in such position to continue a required course of study and instruction to obtain a Class "A" license within **eight (8) years** of commencing such course of study.

(A)      **Employee Qualifications.** Subordinate employees of the Water Treatment Plant shall have, at the minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class "D" water operator prior to date of hire. Any such employee shall be required as a condition of continued employment in said position to continue a required course of study to obtain a Class "A" certificate of competency from the State of Illinois Environmental Protection Agency within **four (4) years** of commencing said course of study. As a condition for continued employment, present employees shall obtain a certificate of competency from the State of Illinois Environmental Protection Agency as a Class "A" water operator within **four (4) years** of commencing a required course of study. If for any reason said employees certificate of competency is deemed to be inactive for more than **thirty (30) days** any such employee may be terminated.

**38-1-4**      **CHIEF WASTEWATER TREATMENT PLANT OPERATOR, APPOINTMENT, DUTIES.** Under the supervision of the Water and Sewer Distribution and Collection Systems Foreman, the Chief Wastewater Treatment Plant Operator shall be in charge of and operate the Wastewater Treatment Plant of the City. The Chief Wastewater Treatment Plant Operator shall supervise and control all subordinate employees of the Wastewater Treatment Plant and report to the Water and Sewer Distribution and Collection Systems Foreman about the activities of the Wastewater Treatment Plant. The Chief Wastewater Treatment Plant Operator shall have, at the

minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class "4" Wastewater Operator, and he shall be required as a condition of continued employment in such position to continue a required course of study and instruction to obtain a Class "2" license within **four (4) years** of commencing said course of study.

(A) **Employee Qualification.** Subordinate employees of the Wastewater Treatment Plant shall have, at the minimum received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class "D" Water Operator and a Class "4" Wastewater Operator prior to date of hire. Said employee shall be required as a condition of continued employment in said position to continue a required course of study to obtain a Class "2" Wastewater Operator certificate of competency from the State of Illinois Environmental Protection Agency within **four (4) years** of commencing said course of study. As a condition for continued employment, present employees shall obtain a certificate of competency from the State of Illinois Environmental Protection Agency as a Class "2" Wastewater Operator within **four (4) years** of commencing a required course of study. If for any reason said employee's certificate of competency is deemed to be inactive for more than **thirty (30) days** said employee may be terminated. Within **six (6) months** of date of employment the employee shall have obtained a Class "B" CDL license with tanker and brake endorsement thereon.

**38-1-5 POLICE POWER.** The Water and Sewer Distribution and Collection Systems Foreman and the Water Plant Foreman shall each have the authority to issue a "notice to appear" as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 (**725 ILCS 5/107-1(c)**) for any violation of any ordinance of the City in relation to the Water and Street Department that may come to his knowledge, and for such limited purpose the Water and Street Distribution and Collection Foreman and the Water Plant Foreman are each hereby designated as a "peace office" within the meaning of Section 2-13 of the Criminal Code of 1961 (**720 ILCS 5/2-13**).

**(Ord. No. 12-20; 10-23-12)**

ARTICLE II - CUSTOMER REGULATIONS

38-2-1 - 38-2-8 RESERVED. (Ord. No. 12-9; 05-14-12)

**38-2-9**      **WATER AND SEWER SYSTEM; ANNEXATION**  
**REQUIREMENT.**

(A)      **Annexation Agreement.**

- (1) If the City consents to furnish water and sewer service to a landowner whose property is located outside of the corporate limits of the City then prior to said services being furnished, or before or after service of those systems is transferred from one landowner or customer to another, said landowner or succeeding landowner must agree to sign an annexation agreement with the City in the form as shown in Appendix "HH" whereby landowner shall agree to submit a petition for annexation to the City within **thirty (30) days** of the beginning of the receipt of said service or upon said property becoming contiguous to the City and upon the request of City, whichever event shall first happen.
- (2) The covenants of said annexation agreement shall run with the land and shall be binding upon the parties, their heirs, executors, administrators, assigns, grantees and all persons claiming thereunder.
- (3) Landowner shall convey or dedicate all necessary easements to the City for the extension of utilities or for other public improvements which may serve not only the subject landowner's property, but other properties contiguous to landowner's property. Said easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of landowner's property.

(Ord. No. 05-06; 03-28-05)

ARTICLE III - WATER SYSTEM

DIVISION I - REGULATIONS

**38-3-1**      **DEFINITIONS.**

(A)      **Building** shall mean any structure, whether temporary or permanent, whether or not attached to real estate if the structure is used for human occupancy, employment, recreation, or other purposes.

(B)      **Class 1 Commercial Occupancy** shall be an occupancy for commercial purposes to which no more than **three hundred seventy-five (375) gallons** of metered water is delivered per day, measured by averaging the water usage in the year following connection with the sewer.

(C)      **Class 2 Commercial Occupancy** shall be an occupancy for commercial purposes to which at least **three hundred seventy-five (375) gallons** but no more than **five hundred (500) gallons** of metered water is delivered per day measured by averaging the water usage in the year following connection with the sewer.

(D)      **Class 3 Commercial Occupancy** shall be an occupancy for commercial purposes to which at least **five hundred (500) gallons** of metered water is delivered per day measured by averaging the water usage in the year following connection with the sewer.

(E)      **Industrial Occupancy** shall mean an occupancy which exists for the purpose of producing goods.

(F)      **Ph** is a term used to express the acidity or alkalinity of a liquid.

(G)      **Foreman** shall mean the Water Foreman. **(Ord. No. 21-12; 09-27-21)**

**38-3-2**      **APPLICATIONS FOR PERMITS.** All applications to connect service or supply pipes with the distributing mains of the City shall be made in writing on forms to be furnished by the City to the Water Foreman or to the Commissioner of the Department of Public Health and Safety. Such applications shall be signed by the owner of the premises to be served with water. If a tenant desires to install the water in the premises of his landlord, the latter, or his authorized agent shall endorse his approval of the application, and the application shall contain the statement as to the purpose for which the water is to be used, the exact legal description of the property is to be served by the water connection, giving the size and location of the tap required, the size of service pipe to be used, the name of the street in which the main is laid, in which the tap is to be made, and the exact point where it is desired to tap the main. If the Commissioner of Public Health and Safety shall approve such application, and the applicant shall meet the requirements hereinafter provided, the Water Foreman of the City, upon presentation of such application, with the endorsement of approval thereon by the Commissioner of the Department of Public Health and Safety, shall issue a written or printed permit, under his hand, granting the applicant the right to cause to be made, the service connection to the distributing mains, according to the terms of his application, and the ordinances and regulations governing the use of water from the water distributing system. The Clerk shall keep and file a copy of such permit in his office. No permit will be

granted to any person, firm or corporation who owes a back water bill to the City until such back water bill is paid in full, and each application shall contain a statement that such applicant does not owe any back water bill. **(See the Application for Existing Utility Service Permit in Appendix "R" and the Application form to tap Water Main in Appendix "W".)**

**38-3-3 NO PERSON BUT FOREMAN OR ASSISTANT TO MAKE TAP; PENALTY.** No person or persons except the Water Foreman or his duly authorized assistant, shall tap any water main in any street or alley or other place in the City. **(Ord. No. 21-12; 09-27-21)**

**38-3-4 TAPS; HOW MADE.** All taps or service connections with the water mains for public or private use shall be constructed by the Water Foreman or his duly authorized assistant, and by no other person whatsoever. All connections of service pipes with mains shall be in the side of the body of the pipe, and in no case nearer than **fifteen (15) inches** of the caulking end of the hub; nor nearer than **six (6) inches** to the other end of the pipe or main, so tapped. Connections for service to water mains shall be made with the corporation cock, screwed into the main having a piece of extra long type "K" copper pipe not less than **eighteen (18) inches** in length, connected to the coupling of the corporation cock, said corporation cock to be of red brass, tested to **one hundred eighty (180) pounds** hydraulic pressure, and in dimensions and weights not less than shown in the following table:

<u>Size</u>	<u>Opening</u>	<u>Length over all without nut and tail piece</u>	<u>Weight</u>
¾ inch	¾ inch	3 17/32 inches	20 ounces
1 inch	1 inch	4 inches	48 ounces

Should the main be constructed of plastic, then a tapping saddle must be used with the corporation cock.

No tap in a water main shall be larger than **one (1) inch** in diameter. In case services larger than **one (1) inch** are required, a cast iron tapping sleeve and valve may be used, which shall be tested to **one hundred seventy-five (175) pounds** hydraulic pressure. All service pipes shall in all cases be not less than **three (3) feet** under the surface of the ground and shall be laid with due regard to danger from freezing with a fall to the stop or stop and waste cock in cellar, or other convenient place, where the same can be completely drained. All lines must be a minimum of **ten (10) feet** from any sanitary line or **eighteen (18) inches** above a sanitary sewer line. **(Ord. No. 21-12; 09-27-21)**

**38-3-5 CURB COCKS; SPECIFICATIONS.** In every service pipe there shall be a curb cock with a round way inverted key with a "T" head of uniform size, of red brass up to and including **one and one-fourth (1 ¼) inches** in diameter, and of cast iron in excess of

that size. The inverted key of said curb cock shall be protected by a close fitting sand cap to prevent dirt or sand working around the ground surface of the key, or between the two check lugs on body of the cock and operating against the two check lugs on the under side of the cap. Said curb cock shall be of red brass with Minneapolis threaded top to screw into the bottom of an iron casing or service box hereinafter provided for. Through the threaded top of said curb cock there shall be a small vertical channel to permit drainage of water accumulating in said box.

Said curb cock shall be tested **one hundred seventy-five (175) pounds** hydraulic pressure, and be not less in dimension and weight than shown in the following table:

<u>Size</u>	<u>Opening Through</u>	<u>Length over all</u>	<u>Threaded Top</u>	<u>Weight</u>
¾ inch	¾ inch	3 7/8 inches	1 ½ inches	44 ounces
1 inch	1 inch	4 ½ inches	2 inches	70 ounces
1 ¼ inches	1 ¼ inches	5 inches	2 ½ inches	106 ounces
1 ½ inches	1 ½ inches	5 7/8 inches	3 inches	173 ounces
2 inches	2 inches	5 7/8 inches	4 inches	304 ounces

**38-3-6 SERVICE BOX; SPECIFICATIONS.** Each service must have a curb cock with a "T" head of uniform size and the same shall be placed not less than **three (3) feet** below grade; said cock to be placed in a substantial iron casing known to the trade as a service box. The said service box shall be of the extension pattern and shall be composed of two parts; the lower part to be known as the base and the upper part to be known as the stand pipe, the said upper part or stand pipe sliding or telescoping into the said lower part or base, thereby regulating the height of the box from the base to the top, said height or adjustment being secured or maintained by means of a strong phosphor bronze spring recessed in an upper portion of the lower part or base of said box. The bottom of the lower part or base of said box shall be threaded to a size corresponding to the size of the thread of the Minneapolis top curb cock, said base thereby screwing on said curb cock and forming a joint. In the said base there shall be drilled an opening not less than **one-fourth (1/4) inch** to provide for the escape of seepage. The bottom of said base shall be protected by placing a necessary number of bricks to prevent the accumulation of mud, sand or solid from coming in contact with the waste hole opening in the bottom of the base of said box.

The upper part or stand pipe of said box shall be not less than **one and one-fourth (1 ¼) inch** pipe and shall have an outside thread for the cap or cover. The said cap or cover shall have a brass bushing cast in the iron and shall be sufficiently tight when screwed on the stand pipe as to be irremovable, except by means of pipe wrenches. In the center of said cap or cover there shall be a circular opening for the admission of a plug with pentagon nut, said opening to be equal to the outside diameter of the stand pipe and when said plug with pentagon nut is inserted in said cap the top of said pentagon shall be on the level with the top of the cover or cap. The said cap or cover of all service boxes shall have the word "Water" cast in

plain letters on the top thereof. No City employee or plumber or other persons shall be permitted to remove said plug with pentagon nut with other than a wrench especially made and provided therefor. The use of cold chisel, hammer or other implement tending to mar, deface, or batter the original proportions of said pentagon nut is hereby specifically prohibited.

For all service above **two (2) inches**, an extra quality gate valve may be substituted for curb cock. The gate valve to have a brass "T" head for stem, two discs raised by their lugs coming in contact with corresponding shoulders on a cylinder wedge. Said gate valve should be of a pattern that can be connected horizontally, vertically, or otherwise upon either side of the pressure. Said curb cock or gate valve shall be placed in every attachment to main lateral or extension of service supply pipe, in the boulevard in front of or in the alley in the rear of the property to be served, not closer than **six (6) inches** from the property line.

**38-3-7 SERVICE PIPE AND FITTING SPECIFICATIONS; COUNCIL MAY REQUIRE ALTERATIONS UNDER STREETS TO BE PAVED.** Within the City limits or on the water distribution system of the City, all service pipe used in making taps to the water mains from the point where the same joins on to the corporation cock, to the curb cock, and all service pipe used in making taps to the water mains which pass under pavements which are not in existence, shall be new Type "K" copper pipe, and shall conform to the following specifications:

The pipe shall be seamless and cold drawn to size. It shall be carefully treated and tempered by the manufacturer to make it point properly and flange into a joint with the fittings. The pipe shall be of uniform outside and inside diameter and shall fit snug in the fittings without binding. The pipe shall have a purity of at least **99.90 percent** copper as determined by electrolytic assay, silver being counted as copper. The pipe shall have an elasticity of at least **twenty-five percent (25%)** in **four (4) inches**. The pipe shall be equal to the pipe sold by the Mueller Company of Decatur, Illinois, and shall have the following dimensions and weights:

<u>Equivalent Iron Size</u>	<u>Actual Outside Measurement</u>	<u>Actual Inside Measurement</u>	<u>Thickness</u>	<u>Weight Per Foot</u>
¾ inch	7/8 inch	.745	.065	.064
1 inch	1 1/8 inches	.995	.065	.838
1 ¼ inches	1 3/8 inches	1.245	.065	1.036
1 ½ inches	1 5/8 inches	1.495	.072	1.360
2 inches	2 1/8 inches	1.959	.083	2.062

All brass fittings used in connecting this copper pipe shall be finished in a thoroughly workmanlike manner. They should be sound, clean, free from blow holes, porous places, cracks, or any other defects affecting their strength or appearance which would indicate inferior quality or metal. All moving parts be accurately fitted up so as to work smoothly and



freely without binding. All of the brass fittings must be Mueller service pipe fittings or equal design, structure and serviceability. Each one must be tested to **two hundred (200) pounds** of hydraulic pressure before shipping.

In all other parts of the City, and on the water distribution system, except under existing pavements, the service pipe used in making taps to the water mains from the point where the same joins on the goose neck to the curb cock may be of Type "K" copper pipe as above.

At any time hereafter when any of the streets or alleys of the City shall be paved, the City Council may, if it so desires, by a proper resolution, to be adopted by a yea and nay vote of not less than **four (4) members**, require all wrought iron service pipes to be removed from the streets or alleys thus to be paved and copper service pipes installed instead.

**38-3-8        RESERVED. (Ord. No. 12-9; 05-14-12)**

**38-3-9        PLUMBING INSPECTION, ETC.** All plumbing and fittings shall be done in the manner required by the Commissioner of the Department of Public Health and Safety, except as otherwise provided by City Ordinance, and shall be subject to the inspection and approval of the Water and Sewer Foreman, and no plumbing system shall be connected with the City Water Distribution System without first having been so inspected and approved. **(Ord. No. 21-12; 09-27-21)**

**38-3-10       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 Foreman. 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. **(Ord. No. 21-12; 09-27-21)**

**38-3-11       SEPARATE SERVICE PIPES AND CURB COCKS REQUIRED.** No more than **one (1)** dwelling house or building shall be supplied with water from said system from the same service pipe and each water user must have a separate curb cock, except multiple-unit dwellings. Where more than **one (1) tenant** occupies a building, each tenant must have a separate service with a curb cock and water meter. **Two (2)** or more

persons may join together in laying a service pipe from the main to their respective properties, but each person shall have a separate curb cock located as in this Article provided, so that service may be discontinued without disturbance to the service of any other person.

**38-3-12     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.

**38-3-13     METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

**38-3-14     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 will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

**38-3-15     RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

**38-3-16 DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

**38-3-17 ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

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

**38-3-18 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 Water and Sewer Foreman 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 Water and Sewer Foreman. **(Ord. No. 21-12; 09-27-21)**

**38-3-19 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.

(D) An annual maintenance fee of **Five Dollars (\$5.00)** per fire hydrant shall be assessed to the district.

**38-3-20 LIMITED WATER USAGE IN EMERGENCIES.**

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

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

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

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

**38-3-21 SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

**38-3-22 NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-3-23 EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

**38-3-24 USE OF WATER ON CONSUMER'S PREMISES.** The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

**38-3-25 REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

**38-3-26 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 inch (3/4")** in diameter and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Foreman.

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. **(Ord. No. 21-12; 09-27-21)**

**38-3-27 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 stop and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

**38-3-28**     **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.

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

**38-3-29**     **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

**38-3-30**     **SUBDIVISIONS.** Persons desiring to subdivide real estate within the City or on land adjacent to the water distribution system of the City, must submit for City Council approval, plans and specifications for a water distribution system, which plans shall be drawn by a registered professional engineer in the State of Illinois, and said plans shall have been approved by the State of Illinois Environmental Protection Agency. One set of plans shall show where each lot shall be tapped and each main is located, and said plan shall be submitted to the Water Foreman for his approval. Pipe to be used as water mains shall be Class twenty-two (22) cast iron, or plastic pipe with a hydraulic pressure strength of a minimum of **one hundred sixty (160) pounds** per square foot. **(See Chapter 34; Section 34-5-42) (Ord. No. 21-12; 09-27-21)**

**38-3-31 - 38-3-39**     **RESERVED.**

**DIVISION II - CROSS-CONNECTION ADMINISTRATION**

**38-3-40**     **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.

**38-3-41**     **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 Water and Sewer Foreman hereinafter referred to as "Foreman" and the Illinois Environmental Protection Agency. **(Ord. No. 21-12; 09-27-21)**

**38-3-42**     **INVESTIGATIONS BY FOREMAN.** It shall be the duty of the Foreman 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.** **(Ord. No. 21-12; 09-27-21)**

**38-3-43**     **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

**38-3-44 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 **One Hundred Dollars (\$100.00)** 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.

**38-3-45 CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**(Ord. No. 91-28; 09-28-91)**

**38-3-46 RESERVED.**



**DIVISION III - CROSS-CONNECTION CONTROL CODE**

**38-3-47**     **PURPOSE.** The purpose of these Rules and Regulations is:

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

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

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

**38-3-48**     **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

**38-3-49**     **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Foreman shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-53(D)** below for a period of at least **five (5) years**. The Water Foreman 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. **(Ord. No. 21-12; 09-27-21)**

**38-3-50**     **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

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

**“Agency”** means Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Water Purveyor”** means the owner or official custodian of a public water system.

**38-3-51      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 Water Foreman up to the point where the consumer's water system begins. **(Ord. No. 21-12; 09-27-21)**

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

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

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

**38-3-52      CROSS-CONNECTION PROHIBITED.**

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

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

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

**38-3-53      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 Water Foreman for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

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

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

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

**38-3-54      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 Foreman, actual or potential hazards to the public water supply system exist. **(Ord. No. 21-12; 09-27-21)**

(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 Water Foreman and the source is approved by the Illinois Environmental Protection Agency. **(Ord. No. 21-12; 09-27-21)**
- (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 Water Foreman. **(Ord. No. 21-12; 09-27-21)**
- (3) Premises having internal cross-connections that, in the judgment of the Water Foreman, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist. **(Ord. No. 21-12; 09-27-21)**
- (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 Water Foreman determines that no actual or potential hazard to the public water supply system exists: **(Ord. No. 21-12; 09-27-21)**

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

**38-3-55**      **TYPE OF PROTECTION REQUIRED.**

(A)      The type of protection required under **Section 38-3-54** of these regulations shall depend on the degree of hazard which exists as follows:

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

(B)      The type of protection required under **Section 38-3-54** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

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

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

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

**38-3-56**      **BACKFLOW PREVENTION DEVICES.**

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

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



**38-3-57      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 **twenty-four (24) hours**.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

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

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

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

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

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-57(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Foreman.  
**(Ord. No. 21-12; 09-27-21)**

**38-3-58      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 Foreman, at least once a year, that the device is operable. **(Ord. No. 21-12; 09-27-21)**

**38-3-59 VIOLATIONS AND PENALTIES.**

(A) The Foreman 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 Foreman, 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. **(Ord. No. 21-12; 09-27-21)**

(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 Foreman, and the required reconnection fee is paid. **(Ord. No. 21-12; 09-27-21)**

(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 Foreman. **(Ord. No. 21-12; 09-27-21)**

(D) Neither the City, the Foreman, 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. **(Ord. No. 21-12; 09-27-21)**

(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.

**(Ord. No. 91-28; 09-23-91)**

**38-3-60 RESERVED.**

DIVISION IV - EXTENSION OF MAINS

**38-3-61**     **DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.** The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. **(See Chapter 34 for Design Requirements.)**

**38-3-62**     **EASEMENTS.** Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met. **See Section 39-5-38 for easement specifications. (Ord. No. 03-03; 05-12-03)**

**38-3-63**     **SIZE AND TYPE.** The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

**38-3-64**     **TITLE.** Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

**38-3-65**     **MAINTENANCE AND REPLACEMENT.** The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

**38-3-66 - 38-3-69****RESERVED.**

**DIVISION V – WELL SETBACK ZONE**

**38-3-70**     **PURPOSE.** Pursuant to the authority conferred by **55 ILCS Sec. 5/5-15016 (1996)**; **415 ILCS Sec. 5/14.2**, and **5/14.3 (1996)**, **65 ILCS Sec. 5/11-126-3 (1996)**; 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 Division 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 (1996)**) and this Division, and the maximum setback zone established under Section 14.3 of the Act (**415 ILCS Sec. 4/14.3 (1996)**) and this Division.

**38-3-71**     **DEFINITIONS.** Except as stated in this Division, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Division shall be the same as those used in the Act and the Illinois Groundwater Protection Act (**415 ILCS Sec. 55/1 (1996)**):

(A)            **“Act”** means the Environmental Protection Act (**415 ILCS Sec. 5/1 (1996)**).

(B)            **“Agency”** means the Illinois Environmental Protection Agency.

(C)            **“Board”** means the Illinois Pollution Control Board.

(D)            **“Community Water Supply”** means a public water supply which serves or is intended to serve at least **fifteen (15) service connections** used by residents or regularly serves at least **twenty-five (25) residents**. (**415 ILCS Sec. 5/3.05**)

(E)            **“Maximum Setback Zone”** means the area around a community water supply well established under Section 14.3 of the Act and this Division, and identified in Section 6 and described in the Appendix of this Chapter.

(F)            **“Minimum Setback Zone”** means the area around a community water supply well established under Section 14.2 of the Act and this Division, and identified in Section 6 and described in the Appendix of this Chapter.

(G)            **“Potential Primary Source”** means any unit at a facility or site not currently subject to a removal or remedial action which:

- (1) is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or
- (2) is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or
- (3) is utilized for the land filling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

- (4) stores or accumulates at any time more than **seventy-five thousand (75,000) pounds** above ground, or more than **seven thousand five hundred (7,500) pounds** below ground, of any hazardous substances.

A new potential primary source is:

- (1) a potential primary source which is not in existence or for which construction has not commenced at its location as of **July 1, 1998**; or
- (2) a potential primary source which expands laterally beyond the currently permitted boundary, or if the primary source is not permitted, the boundary in existence as of **July 1, 1998**; or
- (3) a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a **two (2) year** period exceed **fifty percent (50%)** of the fixed capital cost of a comparable entirely new facility.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion. **(See 415 ILCS Sec. 5/3.59)**

(H) **"Potential Route"** means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel.

A new potential route is:

- (1) a potential route which is not in existence or for which construction has not commenced at its location as of **July 1, 1998**; or
- (2) a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of **July 1, 1998**.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion. **(See 415 ILCS Sec. 5/3.58)**

(I) **"Potential Secondary Source"** means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

- (1) is utilized for the land filling, land treating, or surface sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or
- (2) stores or accumulates at any time more than **twenty-five thousand (25,000)** but not more than **seventy-five thousand (75,000) pounds** above ground, or more than **two thousand five**

- hundred (2,500) but not more than seven thousand five hundred (7,500) pounds** below ground, of any hazardous substances; or
- (3) stores or accumulates at any time more than **twenty-five thousand (25,000) gallons** above ground, or more than **five hundred (500) gallons** below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substances; or
  - (4) stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or
  - (5) stores or accumulates at any time more than **fifty thousand (50,000) pounds** of any de-icing agent; or
  - (6) is utilized for handling livestock waste or for treating domestic wastewater other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act".

A new potential secondary source is:

- (1) a potential secondary source which is not in existence or for which construction has not commenced at its location as of **July 1, 1998**; or
- (2) a potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of **July 1, 1998**, other than an expansion of handling of livestock waste or for treating domestic wastewater; or
- (3) a potential secondary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a **two (2) year** period exceed **fifty percent (50%)** of the fixed capital cost of a comparable entirely new facility.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion. **(See 415 ILCS Sec. 5/3.60)**

(J) **"Unit"** means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agri-chemical facilities. **(415 ILCS Sec. 5/3.62)**

**38-3-72      PROHIBITIONS.**

(A) Except as provided in **Section 38-3-73** and **38-3-74**, no person shall place a new potential primary source, new potential secondary source, or new potential route within a minimum setback zone.

(B) Except as provided in **Section 38-3-73**, no person shall place a new potential primary source within a maximum setback zone.

**38-3-73 WAIVERS, EXCEPTIONS, AND CERTIFICATES 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 38-3-72(A)** of this Division.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating), new potential secondary source, or new potential route is granted an exception by the City Council, such owner shall be deemed to have an exception to the same extent from **Section 38-3-72(A)** of this Division.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating) is granted an exception by the City Council, such owner shall be deemed to have an exception to the same extent from **Section 38-3-72(B)** of this Division.

(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 38-3-72(A)** of this Division to the same extent that such owner is not subject to Section 14.2(d) of the Act.

**38-3-74 EXCLUSIONS.** **Section 38-3-72(A)** of this Division shall not apply to common sources of sanitary pollution, as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency, including but not limited to the following:

privies, septic tanks, cesspools, sewers (storm, sanitary, combined and sewer service connections), subsurface seepage-disposal lines, pits or ponds receiving fluids such as surface waters, oils, and grease, and flood waters.

However, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

**38-3-75 IDENTIFICATION OF REGULATED SETBACK ZONES.** Whereas the regulations and technical requirements of the Illinois Environmental Protection Agency have been met for the establishment of setback zones for the following community water supply wells; and

Whereas the Agency has reviewed and confirmed the application, and authorized the County to officially establish setback zones for these wells;

Therefore, setback zones are hereby established for community water supply wells for the City of Sullivan as follows:

City of Sullivan minimum and maximum setback zones are hereby established for the community water supply wells of the City of Sullivan, as shown/described on pages A-1 and A-2 of the attached Appendix.

**38-3-76 VIOLATIONS.** Any person, firm or corporation, or agent, employee or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Division shall be guilty of a misdemeanor, and shall be subject to a fine of not more than **Five Hundred Dollars (\$500.00)** or imprisonment for not more than **six (6) months**, or both, for each offense. Each week a violation continues to exist shall constitute a separate offense.

**38-3-77 SEVERABILITY.** If any second, subsection, paragraph, sentence, clause or phrase of this Division is for any reason held to be invalid, such decision shall not affect the remaining portions of this Division.



**ARTICLE IV - UTILITY RATES**

**DIVISION I – SEWER RATES**

**38-4-1 REVENUES.** All revenues and moneys derived from the operation of the sewer system shall be deposited in the Sewage Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

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

The Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65**.

**38-4-2 ACCOUNTS.** The Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

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

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

**38-4-3 NOTICE OF RATES.** A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the City on their

properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

**38-4-4 ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

**38-4-5 APPEALS.** The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

**38-4-6 BASIS FOR WASTEWATER SERVICE CHARGES.** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge, applicable surcharges, and debt service charge.

(A) The **debt service charge** is computed by dividing the annual debt service of all outstanding bonds and outstanding loans by the number of users. (**Ord. No. 14-14; 05-27-14**)

(B) The **basic user charge** shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

- (1) A **five (5) day twenty degree centigrade (20°C)** biochemical oxygen demand **BOD of 300 mg/1**).
- (2) A suspended solids (SS) content of **300 mg/l**.

(C) It shall be computed as follows:

- (1) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.
- (3) Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.
- (4) Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.

- (5) Compute costs per 1000 gal. for normal sewage strength.
- (6) Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

(D) A **surcharge** will be levied to all users whose waste waters exceed the normal domestic concentrations of **BOD 300 mg/l and SS 300 mg/l**. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the **300 mg/l and 300 mg/l** concentration for BOD and SS respectively. (**Section 38-4-9** specifies the procedure to compute a surcharge.)

(E) The **adequacy of the wastewater service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and reserve fund costs.

(F) The **capital improvement charge** is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per 1,000 gallons.

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

**38-4-7 MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons**.

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

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

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

**38-4-8 USER CHARGE SYSTEM.** The following rates are established for the User Charge system:

(A) **Sewer Rates.** A minimum charge of **\$11.09 per month** shall be applied to all users whose water consumption does not exceed **1,000 gallons** per month. Usage in excess of **1,000 gallons** per month shall be charged as follows: Over 1,000 gallons - **\$4.77** per 1,000 gallons.

(B) **Sewer – Metered Rates.** A minimum charge of **\$14.57 per month** shall be applied to all users whose metered sewer consumption does not exceed **1,000 gallons** per month. Usage in excess of **1,000 gallons** per month shall be charge as follows: Over 1,000 gallons - **\$6.88** per 1,000 gallons.

(C) **City Services.** All City accounts will be classified into the appropriate rate structure based on usage.

(D) **Operational Inflation Adjustment.** The stated charges for sewer usage shall be automatically adjusted at the beginning of each fiscal year to partially compensate for the effect of economic inflation on operations in the amount of **four percent (4%)**. The City Clerk is hereby empowered and directed to determine the amount of said increase and to thereafter, effective for the billing period next following the effective date of change of rates, charge the adjusted rates to all users of the sewer system of the City.

**(Ord. No. 23-32; 09-26-23)**

**38-4-9 COMPUTATION OF WASTEWATER SERVICE CHARGE.** The wastewater service charge shall be computed by the following formula:

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

Where

CW	=	Amount of waste service charge (\$) per bill period.
CC	=	Capital Improvement Charge
CD	=	Debt Service Charge.
CM	=	Minimum Charge for Operation, Maintenance and Replacement.
Vu	=	Wastewater Volume for the billing period.
X	=	Allowable consumption in gallons for the minimum charge.
CU	=	Basic User Rate for Operation, Maintenance and Replacement.
CS	=	Surcharge, if applicable. <b>(Section 38-4-6).</b>

**38-4-10 SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD:	<u>\$0.26</u> in excess of 300 mg/l
per lb. of SS:	<u>\$0.39</u> in excess of 300 mg/l

**38-4-11 REPAIR OF CONSTRUCTION DAMAGE.** All boulevards, existing utilities, sidewalks, streets and seeded areas shall be left in as good a condition as they were prior to the start of any sewer construction and shall be maintained for a period of **one (1) year** from the date of connection. Sand or pit run gravel backfill shall be used under all paved areas.

**38-4-12 RESERVED.** (Ord. No. 12-9; 05-14-12)

**38-4-13 RESERVED.** (Ord. No. 05-01; 01-24-05)

**38-4-14 CONNECTION FEE – COMMERCIAL.** For a class 2 commercial occupancy the connection fee shall be **Three Hundred Fifty Dollars (\$350.00)** per connection and for a class 3 commercial occupancy the fee shall be **Five Hundred Dollars (\$500.00)** per connection. The fee payable at the time of application shall be **Three Hundred Fifty Dollars (\$350.00)**. Establishment of the additional connection fee due under this Section shall be made after **one (1) year's** operation by averaging the water usage of the occupancy and any adjustment of the fee paid upon billing by the City to the user of the occupancy at the time of billing. The City may require the applicant for connection to guarantee payment of any adjusted connection fee.

**38-4-15 CONNECTION FEE – INDUSTRIAL.** For industrial occupancy the connection fee shall be based on a population equivalent determined by applying the estimates for the industry made by the applicant to the standards of **0.17 pounds of BOD** and **one hundred (100) gallons** of sewage per day averaged and multiplied by the charge per population equivalent as provided in following schedule of charges, with the minimum charge being **Five Hundred Dollars (\$500.00)**.

<b>Population Equivalent</b>	<b>Charge per Equivalent</b>
0 – 5,000	\$5.00
5,001 – 10,000	\$4.00
10,001 – 20,000	\$3.00
Over 20,000	\$2.00

The fee so determined shall be payable with the application for connection.

In those cases where the connection is a result of reconstruction or remodeling a credit will be given for the number of units being served through an existing sewer. The industrial connection fee will be reviewed and adjusted at the end of the first **three (3) years** of full operation to the average annual operation experience and settlement therefore shall be made within **six (6) months** thereafter. The City may require the applicant for service to guarantee the amount of any adjusted connection fee to become due to the City.

**38-4-16 - 38-4-25      RESERVED.**

DIVISION II – WATER RATES

**38-4-26**     **BILLING BY TREASURER.** It is hereby made the duty of the City Treasurer to render bills for water service, and all other charges in connection therewith, and to collect all monies due thereon.

**38-4-27**     **REVENUES DEPOSITED.** All revenues and monies derived from the operation of the waterworks system shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City, and all of said sums, without any deductions whatsoever, shall be delivered to the City Treasurer not more than **ten (10) days** after the receipt of the same or at such more frequent intervals as may from time to time be directed by the City Council.

**38-4-28**     **RECEIPT OF REVENUE.** The City Treasurer shall receive all such revenues from the waterworks system, and all other funds and monies incident to the operation of said system as the same may be delivered to him, and deposit the same in a separate fund designated as the "Waterworks Fund". The Treasurer shall administer the fund in every respect in the manner provided by **Chapter 65 of the Illinois Compiled Statutes.**

**38-4-29**     **ACCOUNTS.** The City Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the waterworks system, and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the system.

**38-4-30**     **RATES CERTIFIED.** A copy of the water rates properly certified by the City Clerk shall be filed in the office of the Recorder of Deeds of Moultrie County, Illinois, and shall be deemed notice to all owners of real estate of their liability for water service supplied any occupant or user of such services on their properties.

**38-4-31**     **WATER TAP-ON FEES.**

(A)     **Inside City.** Applicants for water service inside the City shall pay a charge of **One Thousand Five Hundred Dollars (\$1,500.00)**. All labor and materials such as connecting pipes, meter vaults and covers, valves, and connections shall be paid for by the applicant.

(B)     **Outside City.** Applicants for water service outside the City limits shall pay **One Thousand Five Hundred Dollars (\$1,500.00)** plus the cost of labor and materials.

**(Ord. No. 12-9; 05-14-12)**

**38-4-32 ILLINOIS PLUMBING CODE.** All water tap and service connections made to the mains of the Waterworks System of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the City's water and sewer department.

**38-4-33 MAINTENANCE OF WATER LINES.** The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the City. The City shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter or curb stop. The property owner shall be responsible for the service line from the meter into the premises served.

**38-4-34 WATER RATES.** There shall be established the following rates and charges for the use of the water system of the City, based upon the amount of water consumed as follows:

(A) **Residential Water Rates Inside City.**

<u>Tier</u>	<u>Rate</u>
1 (0-2,000 gallons per month)	\$28.11 MINIMUM CHARGE
2 (2,001-4,000 gallons per month)	\$5.99 per 1,000 gallons
3 (all gallons over 4,000 per month)	\$11.98 per 1,000 gallons

**(Ord. No. 23-39; 11-13-23)**

(B) **Residential Water Rates Outside City.**

<u>Tier</u>	<u>Rate</u>
1 (0-2,000 gallons per month)	\$40.70 MINIMUM CHARGE
2 (2,001-4,000 gallons per month)	\$8.95 per 1,000 gallons
3 (all gallons over 4,000 per month)	\$17.90 per 1,000 gallons

**(Ord. No. 23-39; 11-13-23)**

(C) **BULK SALES.**

**\$8.20** per 1,000 gallons per month

(D) **Commercial/Industrial Water Rates Inside City.**

First 2,000 gallons per month	\$28.11 MINIMUM CHARGE
Each additional 1,000 gallons	\$5.99 per 1,000 gallons

(E) **Commercial/Industrial Water Rates Outside City.**

First 2,000 gallons per month	\$40.70 MINIMUM CHARGE
Each additional 1,000 gallons	\$8.95 per 1,000 gallons

(F) **City Services.** All City accounts will be classified into the appropriate rate structure based on usage.

(G) **Operational Inflation Adjustment.** The stated charges for water rates shall be automatically adjusted at the beginning of the fiscal year to partially compensate for the effect of economic inflation on operations, in the amount of **four percent (4%)**. The City Clerk is hereby empowered and directed to determine the amount of said increase and to thereafter, effective for the billing period next following the effective date of changes or rates, charge the adjusted rates to all users of the water system of the City.

**(Ord. No. 23-32; 09-26-23)**

**38-4-35 REQUESTED SHUT-OFF.** If user requests water to be shut off, there will be a **Twenty-Five Dollar (\$25.00)** fee to have the water turned on again.



ARTICLE V - SEWER SYSTEM

DIVISION I - DEFINITIONS

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

**"GOVERNMENT, FEDERAL".**

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

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

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

**"GOVERNMENT, LOCAL".**

(A) **"Approving Authority"** shall mean the Superintendent of Sewage Works Foreman of the City or his authorized deputy, agent, or representative. (**Ord. No. 21-12; 09-27-21**)

(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 Foreman 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. (**Ord. No. 21-12; 09-27-21**)

**"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.

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

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

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

**38-5-5**     **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.

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

**38-5-7**     **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the 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.

**38-5-8 - 38-5-9**   **RESERVED.**

DIVISION III

PRIVATE SEWAGE DISPOSAL

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

**38-5-11** **HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the City. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Building Inspector. A permit fee of **Twenty-Five Dollars (\$25.00)** and an inspection fee of **Thirty Dollars (\$30.00)** shall be paid to the City at the time the application is filed.

**38-5-12** **PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Foreman. 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 Foreman 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 Foreman. **(Ord. No. 21-12; 09-27-21)**

**38-5-13** **COMPLIANCE WITH STATE REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **six thousand (6,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**38-5-14** **AVAILABILITY OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-12**, or a collecting sewer, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, collecting sewer lines and any similar private sewage disposal facilities shall be abandoned and filled with suitable material. **(Ord. No. 05-01; 01-24-05)**

**38-5-15**    **OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

**38-5-16**    **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.

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

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



DIVISION IV

BUILDING SEWERS AND CONNECTIONS

**38-5-21 DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Foreman. **(Ord. No. 21-12; 09-27-21)**

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

**38-5-23 CLASSES OF PERMITS.**

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

- (1) Residential 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. The fee per connection shall be paid to the City at the time the application is filed pursuant to Article IV; Division I of this Chapter. **(See "Residential or Commercial Building Sewer Application Permit" in Appendix "X".)**

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Foreman. The industry, as a condition of permit authorization, shall provide information describing its wastewater constituents, characteristics and type of activity. **(Ord. No. 21-12; 09-27-21)**

**38-5-24 COST TO CUSTOMER INCIDENT TO TAPPING.** A service connection charge (tap-in fee) shall be paid before any sewer connection is completed. Before such connection is made a permit must be secured and **twenty-four (24) hours** notice given to the Foreman of Water Distribution and Water Reclamation. All such connections shall be made, all such work done, and all materials necessary for such work shall be by the city at the expense of the applicant. Applications for such connection shall be made to the City Clerk and the tapping fee paid in the sum of **Five Hundred Dollars (\$500.00)**. Should the costs of installation or materials exceed said sum then said sum shall be an additional charge to the applicant, and shall be payable to the City. **(Ord. No. 21-12; 09-27-21)**

**38-5-25 SEPARATE SEWER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from

the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

**38-5-26 OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Foreman, to meet all requirements of this Code. **(Ord. No. 21-12; 09-27-21)**

**38-5-27 CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Foreman. In no case shall the inside diameter of the building sewer be less than **four inches (4")**. If **six inch (6") diameter pipe** is used, the slope shall not be less than **one-eighth (1/8") inch** per foot. If **four inch (4") or five inch (5") diameter pipe** is used, the slope shall not be less **one-fourth (1/4") inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

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

- (A) ABS solid wall plastic pipe (6" diameter maximum)
- (B) 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.

**(Ord. No. 21-12; 09-27-21)**

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

**38-5-29 ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-5-22** and discharged to the building sewer.

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

**38-5-31 CONNECTIONS TO SEWER MAINS.** Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of **one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

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

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

**(Ord. No. 21-12; 09-27-21)**

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

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

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

**38-5-34 INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Foreman 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. **(Ord. No. 21-12; 09-27-21)**

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

**38-5-36**     **PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**38-5-37**     **BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

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

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

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

**38-5-39**     **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, relocation or expansion of the sewer system. The necessity shall be determined by the City Council.

**38-5-40 - 38-5-48**     **RESERVED.**

DIVISION V

USE OF PUBLIC WASTEWATER FACILITIES

**38-5-49**     **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-5-50**     **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Foreman. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet. **(Ord. No. 21-12; 09-27-21)**

**38-5-51**     **ILLEGAL DISCHARGE TO SEWER.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

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

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

**38-5-52**     **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 Foreman 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 Foreman 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: **(Ord. No. 21-12; 09-27-21)**

(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 Foreman. **(Ord. No. 21-12; 09-27-21)**

(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 Council for such materials.

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

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

(I) The admission into the sewers of any waters or wastes having (a) BOD<sub>5</sub> greater than **300 parts per million** by weight, or (b) containing more than **300 parts per million** by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described heretofore in this Section, or (d) having an average daily flow greater than **two percent (2%)** of the average daily sewage flow of the City, shall be subject to the review and the approval of the City Council. Where necessary in the opinion of the City Council, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the BOD<sub>5</sub> to **300 parts per million** and the suspended solids to **300 parts per million** by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in this Section, or (c) control the quantities and rates of discharge of such waters or wastes. Construction of such facilities shall not be commenced until plans therefore have been submitted to and the written approval of such plans has been obtained from the City Council.

(J) 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 Council in compliance with applicable State and Federal regulations.

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

(L) Materials which exert or cause:

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

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

**38-5-53 ACTION OF SUPERINTENDENT – ACTUAL OR PROPOSED DISCHARGE.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-35** of this Division, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D. Water Programs Part 128 Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Foreman 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 Commissioner may: **(Ord. No. 21-12; 09-27-21)**

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge to the public sewers;
- (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 this Section.



(B) If the Commissioner 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 Commissioner and subject to the requirements of all applicable codes, ordinances, and laws.

**38-5-54 INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

**38-5-56 CONTROL MANHOLES.** Each industry shall be required to install a control manhole and, when required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safety located, and shall be constructed in accordance with plans approved by the Commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**38-5-57 LABORATORY ANALYSIS REQUIREMENTS.** 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 Article and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

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

**38-5-58      ANALYSIS CRITERIA.** 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 "**Standard Methods for the Examination of Water and Wastewater**", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.

**38-5-59      MODIFICATION OF REQUIREMENTS AT CITY'S DISCRETION.** No statement contained in this Section 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 Article, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

**38-5-60 - 38-5-62      RESERVED.**

**DIVISION VI - EXTENSION OF COLLECTING SEWERS**

**38-5-63**     **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, other than an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

**38-5-64**     **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

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

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

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

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

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

**38-5-65**     **MATERIALS.** All sewer extensions shall be constructed of the following materials:

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

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

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

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

**38-5-66** **INSPECTIONS OF CONSTRUCTION.** Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

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

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

**38-5-67** **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

**38-5-68** **RESERVED.**

**DIVISION VII - INSPECTIONS**

**38-5-69**     **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**38-5-70**     **INSPECTION AND TESTING.**

(A)           The Foreman 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 Foreman 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.

**(Ord. No. 21-12; 09-27-21)**

**38-5-71**     **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-5-70** above, the Foreman 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 38-5-57.** **(Ord. No. 21-12; 09-27-21)**

**38-5-72**     **PRIVATE PROPERTY INSPECTIONS.** The Foreman 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. **(Ord. No. 21-12; 09-27-21)**

**38-5-73 - 38-5-74**     **RESERVED.**

**DIVISION VIII – USE OF GROUNDWATER AS POTABLE WATER SUPPLY**

**38-5-75 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.** Except for such uses or methods in existence before the effective date of this Division, the use or attempt to use as a potable water supply groundwater within the area depicted in Exhibit A, attached hereto and made part of this Division, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Sullivan within the area depicted in Exhibit A.

**38-5-76 PENALTIES.** Any person violating the provisions of this Division shall be subject to a fine of up to **Five Hundred Dollars (\$500.00)** for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**38-5-77 DEFINITIONS.**

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

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

**(Ord. No. 12-24; 11-26-12)**

**DIVISION IX - PENALTIES**

**38-5-78** **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-5-69** 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 Code.

**38-5-79** **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.

**38-5-80** **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

**[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]**