

**CHAPTER 38**

**UTILITIES**

**ARTICLE I – DEPARTMENT ESTABLISHED**

**38-1-1** **DEPARTMENT ESTABLISHED.** There shall be an executive department of the City known as the **Waterworks Department.** it shall include the Water and Sewer Superintendent and employees of the Department. The designated office shall be the City Hall.

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

**ARTICLE II - RATES AND REGULATIONS**

**DIVISION I - GENERAL PROVISIONS**

**38-2-1 CONTRACT FOR UTILITY SERVICES.**

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with utility services from the Water and Sewer Systems and every person, company or corporation hereinafter called a "customer" who accepts and uses utility services shall be held to have consented to be bound thereby.

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

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

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the utility systems, or erecting signs on the property of the utility systems without permission shall, upon conviction of such act, be fined as provided in **Chapter 1 entitled "Administration"** of this Code.

(E) **Service Obtained By Fraud.** All contracts for utility services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Persons applying for utility services shall provide some form of acceptable identification. Attempts to obtain service by the use of other names, different spellings or by substituting names of other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of non-payment of bills or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

New applications will not be accepted from persons having past unpaid bills owing to the City until all past due accounts are settled.

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All parties shall be considered as one in-so-far as past bills are concerned and reconnections shall not be made until both parties, have paid old bills in full.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Departments be unable to bill a customer for services used during any month, the next billing shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days.**

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the utility systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the utility services are to be discontinued.

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

- (1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid by **4:30 P.M.** on the due date printed on the bill, a penalty equal to **fifteen percent (15%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services. The Water Clerk and designated deputies are not authorized to grant extensions. Instances of verbal abuse of City employees shall be grounds for disconnection of service.
- (2) If a utility bill is not paid by the due date printed on the bill, the Water Clerk shall notify the customer and/or the owner within **five (5) days** of such failure to pay. The notice shall be sent by first-class mail and shall state the following:
  - (a) Name and address of the consumer and/or the owner, or both, and the amount of his bill;
  - (b) Information to make payment arrangements;
  - (c) Amount of reconnect fee;
  - (d) The date the utilities will be terminated, which shall not be less than **five (5) days** from the date of the mailing of the notice.

If said bill, plus the applicable penalty and other charges, are not paid in full by the termination date stated in said notice, the City shall terminate utility service to said customer and/or owner.

- (3) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Twenty-Five Dollars (\$25.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.
- (4) Each and every customer of the water system of the City of Carlinville shall be responsible for and shall pay a water turn

on fee of **Twenty Dollars (\$20.00)** at the time of or when billed for the turning on of the water during normal business hours and for switching of customer accounts by the City. Said water turn on fee shall be in the amount of **Fifty Dollars (\$50.00)** whenever the City is requested to turn on the water to a customer outside of normal business hours or as a result of the customer, its family members, agents or employees having damaged the water meter or water line which, in effect, initially caused the City to shut off the water, plus the cost of the actual damages.

It shall be unlawful for any individual to tamper with any water meter or to turn on said water meter after being disconnected by the City without authorization to do so. Anyone violating this Code shall be subject to a fine in the minimum amount of **Fifty Dollars (\$50.00)** and a maximum amount of **Five Hundred Dollars (\$500.00)** **(Ord. No. 1640; 07-05-11)**

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

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **sixty (60) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein. **(Ord. No. 979; 04-16-79)**

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges, after deducting costs as is the case in the foreclosure of statutory liens. Such foreclosure shall be billed in the name of the City. The City Attorney is hereby authorized to institute such proceedings in the name of the City, in any Court having jurisdiction over such matters, against any property for which the bill for utility services has remained unpaid **sixty (60) days** after it has been rendered. **(Ord. No. 979; 04-16-79; Sec. 6-4B-3)**

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

**38-2-3**     **LIABILITY FOR CHARGES.** The **owner** of any lot, parcel of land or premises receiving utility services, the **occupant** of such premises and the **user** of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the City only on the condition that such owner, occupant **and** user shall be jointly and severally liable to the City therefor. **(Ord. No. 936; 04-16-79)**

**38-2-4**     **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause, fails to properly register the utilities passing through the same, the consumer shall be charged the average usage charge of the **previous three (3) months**. If no record of the previous **three (3) months** exists, then it shall be the duty of the Collector to estimate the amount of utilities consumed during the time the meter fails to operate, and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

**38-2-5**     **NO FREE SERVICE.** No free service shall be furnished to any person and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

**38-2-6**     **SPECIAL RATES.** The City reserves the Right to make such reasonable changes in rates and conditions herein established and to establish further rules and regulations from time to time as may be found expeditious or necessary.

**38-2-7**     **DISCONTINUANCE OF WATER SERVICE--CUSTOMER.** The customer shall notify the City of any change in occupancy. No adjustment of bills will be made by the City as between the owners or tenants unless **ten (10) days notice** prior to the change of occupancy has been given to the City. No rebate will be given for unoccupied premises unless notice of non-occupancy is given.

Any customer may discontinue water service by giving the City notice not less than **ten (10) days** prior to the discontinuance, and all liability for charges for service rendered after the discontinuance of service as herein provided for shall cease.

**38-2-8      UTILITY DEPOSITS.**

(A)      **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, the applicant for whom such service is requested and who does not own the property to be served shall pay a deposit with the application in the amount as follows:

	<b><u>INSIDE CITY</u></b>	<b><u>OUTSIDE CITY</u></b>
(1) <b><u>Water and Sewer</u></b> <b>(Ord. No. 1728; 06-02-14)</b>	<b>\$150.00</b>	<b>\$150.00</b>

(B)      **Commercial.** When any application is made for utility services by a commercial or industrial user in accordance with the provisions of paragraph (A) and of this Chapter, the applicant shall pay a deposit with the application in the amount of **One Hundred Fifty Dollars (\$150.00)** for water and sewer service. **(Ord. No. 1728; 06-02-14)**

Where the amount of the deposit provided for above is not sufficient to adequately protect the Water and Sewer Departments a greater amount than stated above may be required, based upon the consumer's estimated bill for a customary billing period.

(C)      **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utilities used by the applicant upon the premises to which his application pertains and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. No interest will be paid in the deposits. The depositor shall be refunded, less a processing fee of up to **Twenty Dollars (\$20.00)**, when the service is terminated and all bills, penalties and other charges have been paid in full. **(Ord. No. 1649; 11-21-11)**

**38-2-9      RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water and sewer utilities shall be adopted and the same shall become a part of the contract with every consumer and every consumer shall be considered to consume utilities from the City, subject thereto and bound thereby.

**38-2-10      RESERVED.**

**ARTICLE III - WATER SYSTEM**

**DIVISION I - GENERAL REGULATIONS**

**38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the Water Office, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application.

Any property outside of the City limits of the City of Carlinville, Macoupin County, Illinois, for which a water tap is applied shall be annexed into the City limits prior to or at the time of receiving the water tap or at any other time agreed to by the City of Carlinville. If said annexation cannot occur at the time of the obtaining of the water tap because of the subject property not being contiguous to the City of Carlinville or because of any other existing State of Illinois laws, rules or regulations, then the owner of the subject property shall sign an appropriate agreement with the City of Carlinville agreeing to annex the property into the City upon it becoming capable of being annexed. **(Ord. No. 1330; 03-04-96)**

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

**38-3-3 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.

**38-3-4**      **METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the 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.

**38-3-5**      **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present 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.

**38-3-6**      **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.

**38-3-7**      **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.

**38-3-8**      **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the 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.

**38-3-9      WATER FOR BUILDING OR CONSTRUCTION PURPOSES.**

Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent of Water on a form provided by the Water Department for that purpose.

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

**38-3-10      FIRE HYDRANTS.**

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

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

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

**38-3-11      LIMITED WATER USAGE IN EMERGENCIES.**

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the 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.

**38-3-12 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.

**38-3-13 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's Water Office shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Water Office will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-3-14 EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the 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.

**38-3-15 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.

**38-3-16 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

**38-3-17 INSTALLING AND MAINTAINING SERVICE LINES.** The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths (3/4) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene.

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

**38-3-18 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY.** The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

**38-3-19 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, will 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.

**DIVISION II - CROSS-CONNECTION ADMINISTRATION**

**38-3-20 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 Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**38-3-21 CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**38-3-22 INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall

be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

**38-3-23     RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

**38-3-24     NOTICE TO CUSTOMER; RECONNECT FEE.**

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Article is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Article and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the City's Water Office.

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

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(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.

**38-3-25 CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-3-26 - 38-3-30 RESERVED.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

- (1) polluted or contaminated waters;
- (2) process waters;
- (3) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (4) cooling waters;
- (5) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (6) chemicals in solution or suspension;
- (7) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

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

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

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

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

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

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

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

**38-3-35 WATER SYSTEM.**

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

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

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

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

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

**38-3-36 CROSS-CONNECTION PROHIBITED.**

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

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

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

**38-3-37 SURVEY AND INVESTIGATIONS.**

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

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

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with **Ill. Comp. Stat., 1992, Ch. 225, par. 320/3(1)**.

(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 par. 5/4(e)**.
  - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
  - (d) A maintenance log shall be maintained and include:
    1. date of each test;
    2. name and approval number of person performing the test;

3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. servicing performed and date completed.

**38-3-38     WHERE PROTECTION IS REQUIRED.**

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

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

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

(C)       An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow

prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

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

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

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

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

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

(C)           Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure

principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
  - (2) water is pumped into the system from another source; or
  - (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
  - (4) there is a connection whereby another source can be introduced into the fire safety system.
- (D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

**38-3-40     BACKFLOW PREVENTION DEVICES.**

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

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

**38-3-41     INSPECTION AND MAINTENANCE.**

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

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

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- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.
- (B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
- (C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (D) A maintenance log shall be maintained and include:
  - (1) date of each test or visual inspection;
  - (2) name and approval number of person performing the test or visual inspection;
  - (3) test results;
  - (4) repairs or servicing required;
  - (5) repairs and date completed; and
  - (6) servicing performed and date completed.
- (E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.
- (F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

### **38-3-42 BOOSTER PUMPS.**

- (A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
- (B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

### **38-3-43 VIOLATIONS AND PENALTIES.**

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



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

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

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

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

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

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

**38-3-44 - 38-3-50     RESERVED.**

## **DIVISION IV - EXTENSIONS**

### **38-3-51     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.

**38-3-52     CONTRACTOR INSTALLS EXTENSION.**

(A)           The City shall approve all plans and specifications for any extensions.

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

(C)           Ownership, rights-of-way, and title shall be conveyed to the City for all extensions installed by anyone other than the City. The City will maintain the mains after they have been inspected and approved by the municipal engineer.

(D)           No extension will be permitted if in the opinion of the City Council the system does not have the necessary capacity to serve the proposed extension.

(E)           All legal and engineering fees associated with the extension and charged to the City shall be paid by the developer, unless otherwise provided.

(F)           **Building and Plumbing Code Applicable.** The connection of the water main extension into the public water main 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 Material, the Standard Specifications for Water and Sewer Main Construction in Illinois and the EPA testing procedure for new water mains. The City requires two consecutive tests without exception. **(Ord. No. 1685; 11-19-12)**

**ARTICLE IV - UTILITY RATES**

**DIVISION I - GENERAL**

**38-4-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this **Article IV** of **Chapter 38** shall be as follows:

(A) **Building Unit.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

(B) **Federal Government.**

(1) **"Federal Act"** means the Federal 1996 Safe Drinking Water Acts Amendments.

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

(C) **State Government.**

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

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

(3) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

(D) **Local Government.**

(1) **"City"** means the City of Carlinville, Illinois.

(2) **"Approving Authority"** means the City Council of the City of Carlinville.

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

(F) **Clarification of Word Usage.** "Shall" is mandatory; "May" is permissible.

(G) **Water and Its Characteristics.**

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

(2) **"Milligrams per Liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is

approximately equivalent, in reporting the results of water analysis.

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

(H) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

**"Easement"** shall mean an acquired legal right for the specific use of land owned by others.

**"Service Box"** shall mean a valve box used with corporation or curb cock.

(I) **Types of Charges.**

- (1) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the water facilities. The service charge shall be computed as outlined in this **Article IV** titled **Utility Rates** and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
- (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
- (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.
- (4) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.
- (5) **"Capital Improvement Charge"** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) **"Local Capital Cost Charge"** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.
- (7) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) **"Useful Life"** shall mean the estimated period during which the water works will be operated.
- (9) **"Water Fund"** is the principal accounting designation for all revenues received in the operation of the water system.

**38-4-2      REVENUES.** All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Water Fund. All such revenues and moneys shall be held by the City 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 City Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

The City Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the City". The City Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II) (Ord. No. 936; 04-16-79; Sec. 6-4B-3(E).)**

**38-4-3      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 water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

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. **(Ord. No. 936; 04-16-79)**

**38-4-4      RESERVED.**

**38-4-5      ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of

## UTILITIES 38-4-6

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, State Loan Agreement and Rules of any State Loan. **(Ord. No. 1478; 03-17-03)**

**38-4-6** **APPEALS.** The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

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

**DIVISION II - UTILITY RATES**

**38-4-10 WATER TAP-ON FEES.**

(A) The City shall continue to provide the labor for the tap for all lines **one (1) inch** and **three-fourths (3/4) inch**, but the applicant shall be required to provide at its expense the cost of all materials.

(B) For all lines **two (2) inches** or more, the applicant must provide all materials and labor including the labor to perform the tap for said lines.  
**(Ord. No. 1730; 06-02-14)**

**38-4-11 WATER RATES.** Beginning on **September 1, 2013**, the following monthly rates and charges are hereby established and imposed for the water service, based upon the amount of water consumed by such users:

(A) **Water Users Inside City Limits, Except Water Resellers.**

MINIMUM CHARGE PER MONTH	\$10.65
(Includes any amount between 0 and 1,500 gallons)	
Next 8,500 gallons per month	\$7.10 per 1,000 gallons
Next 10,000 gallons per month	\$4.88 per 1,000 gallons
Next 130,000 gallons per month	\$4.43 per 1,000 gallons
Over 150,000 gallons per month	\$2.14 per 1,000 gallons

(B) **Water Users Outside City Limits Except Water Resellers.**

MINIMUM CHARGE PER MONTH	\$15.98
(Includes any amount between 0 and 1,500 gallons)	
Next 8,500 gallons per month	\$10.65 per 1,000 gallons
Next 10,000 gallons per month	\$7.33 per 1,000 gallons
Next 130,000 gallons per month	\$6.65 per 1,000 gallons
Over 150,000 gallons per month	\$3.21 per 1,000 gallons

(C) **Water Resellers.** The rate for water purchased by an entity for delivery to others and not for such entity's own consumption is **Five Dollars Eleven Cents (\$5.11)** per **one thousand (1,000) gallons** of water.

**(Ord. No. 1706; 07-15-13)**

(D) The basic user's water rates established in subsections (A), (B) and (C) herein shall automatically be increased by **five percent (5%)** on **May 1** of each and every calendar year beginning on **May 1, 2014**, and ending on **May 1, 2018**.  
**(Ord. No. 1724; 03-17-14)**

**38-4-12 - 38-4-15 RESERVED.**

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**DIVISION III - SEWER RATES**

**38-4-16 BASIS FOR WASTEWATER SERVICE CHARGE.** The wastewater service charges for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement and debt service, and, a surcharge if applicable.

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

- (1) A **five (5) day, twenty degree centigrade (20°C)** biochemical oxygen demand (BOD) of **two hundred forty (240) mg/l.**
- (2) A suspended solids (SS) content of **two hundred forty (240) mg/l.**

(B) **Operation and Maintenance.** It shall consist of operation and maintenance costs plus replacement, and debt retirement, and shall be computed as follows:

- (1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement, and debt retirement fund for the year, for all works categories.
- (2) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible.
- (3) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (4) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.
- (5) Compute costs per **one thousand (1,000) gallons** for normal sewage strength.
- (6) Compute surcharge costs per mg/l in excess of normal sewage strength for BOD and SS.

(C) **Surcharge.** A surcharge will be levied to all users whose BOD and SS exceed **two hundred forty (240) mg/l** and **two hundred forty (240) mg/l** respectively. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the **two hundred forty (240) mg/l** and **two hundred forty (240) mg/l** concentration for BOD and SS respectively. **Section 38-4-19** specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

**38-4-17 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 City of Carlinville 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 City 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, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the City. **(Ord. No. 936; 04-16-79)**

**38-4-18 SEWER RATES.** Beginning on **September 1, 2013**, the following monthly rates and charges are hereby established and imposed for basic user wastewater service:

(A) Wastewater service users, except Bulk Industrial Wastewater Service Users, shall pay **Four Dollars Seventy-Eight Cents (\$4.78)** per **one thousand (1,000) gallons** of water consumption per month, provided, however, the minimum monthly charge for such users shall be **Four Dollars Seventy-Eight Cents (\$4.78).**

(B) All residential wastewater service users connected to the City sewerage system, who are not connected to and/or do not use City water, shall pay a monthly user wastewater service charge of **Thirty Dollars (\$30.00).**

(C) Bulk Industrial Wastewater Service Users shall pay **Three Dollars Ninety-Two Cents (\$3.92)** per **one thousand (1,000) gallons** of water consumption by such users per month. A Bulk Industrial Wastewater Service User is defined as an entity which purchases more than **two million (2,000,000) gallons** of water per month for their own use.

(D) The above indicated basic user rates shall automatically be increased by **five percent (5%)** on **May 1** of each and every calendar year beginning on **May 1, 2014**, and ending on **May 1, 2018.** **(Ord. No. 1724; 03-17-14)**

The wastewater service charge for Wastewater Service Users and Bulk Industrial Wastewater Service Users outside the City corporate limits shall be **one hundred fifty percent (150%)** of the applicable service charge as calculated in **Section 38-4-21** of this Code of Revised Ordinances. **(Ord. No. 1706; 07-15-13)**

**38-4-19 SURCHARGE RATE.** The rates of surcharges for BOD5 and SS shall be as follows:

$$SC_{BOD} = \$0.110 (BOD_i - 240) \times Q_i \times 8.34$$

$$SC_{BOD} = \$0.110 (SS_i - 240) \times Q_i \times 8.34$$

$$SC_i = SC_{BOD} + SC_{SS}$$

Where

- $Q_i$  = Total quarterly flow volume expressed in million gallons.
- $BOD_i$  = Biochemical Oxygen Demand Concentration (5 day, 20 degrees Centigrade) of waste expressed in milligrams per liter.
- $SS_i$  = Suspended Solids Concentration of waste expressed in milligrams per liter.
- $SC_{BODi}$  = Quarterly surcharge in dollars for Biochemical Oxygen Demand for waste concentrations greater than 240 mg/l.
- $SC_{SSi}$  = Quarterly surcharge in dollars for Suspended Solids for waste concentrations greater than 240 mg/l.
- $SC_{Ci}$  = Total quarterly surcharge in dollars.

**38-4-20 COMPUTATION OF SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by flow measurement and waste sampling. Waste sampling and flow measurement shall be performed as often as may be deemed necessary by the City and shall be binding as a basis for surcharges. **(Ord. No. 936; 04-16-79)**

**38-4-21 COMPUTATION OF WASTEWATER SERVICE CHARGE.** The wastewater service charge for users within the City corporate limits shall be computed by the following formula:

$$CW = CM + CU (Vu - X) + SC_i$$

Wastewater Service Charge Formula

Where

- $CW$  = Amount of wastewater service charge (\$) per billing period. (Quarterly)
- $CM$  = Minimum charge for operation, maintenance, replacement and debt reduction (subsection (C)).
- $Vu$  = Wastewater volume for the billing period. (Gallons)
- $X$  = Allowable consumption in gallons for the minimum charge (subsection (C)).
- $CU$  = Basic user rate for operation, maintenance, replacement and debt reduction (subsection (C)).
- $SC_i$  = Amount of Surcharge. (subsection (D)) **(Ord. No. 1037; 07-05-83)**

**38-4-22 RESERVED. (Ord. No. 1640; 07-05-11)**

## UTILITIES 38-4-23

**38-4-23**     **ANNEXATION REQUIRED.** Any property outside of the City limits for which a sewer tap is applied shall be annexed into the City limits prior to or at the time of receiving the sewer tap or at any other time agreed to by the City. If said annexation cannot occur at the time of the obtaining of the sewer tap because of the subject property not being contiguous to the City or because of any other existing State of Illinois laws, rules or regulations, then the owner of the subject property shall sign an appropriate agreement with the City agreeing to annex the property into the City upon it becoming capable of being annexed. **(Ord. No. 1391; 07-20-98)**

**38-4-24 - 38-4-25**     **RESERVED.**

**DIVISION IV - INDUSTRIAL COST RECOVERY**

**38-4-26 INDUSTRIAL COST RECOVERY REQUIRED.** Each industrial user shall pay that portion of any State grant which has been obtained by the City for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users share shall not include an interest component.

**38-4-27 DETERMINATION OF INDUSTRIAL POPULATION EQUIVALENT.** An industrial user's portion of any State grant shall be based on the population equivalents attributable to wastewater of such user tributary to the wastewater treatment works of the City.

The population equivalents shall be determined as follows:

- (1) **Volume Population Equivalent.** This population equivalent equals the average daily rate of water consumption as determined by the consumption records of the past year divided by **one hundred (100) gallons** per day (the average domestic water consumption) or, where water consumption does not reflect the actual quantity of wastewater tributary to the treatment works from such user, then the average daily flow as recorded in the control manhole required by **Chapter 38-5-41**, divided by **one hundred (100) gallons** per day (the average domestic waste consumption).
- (2) **BOD Population Equivalent.** This population equivalent equals the average daily pounds of BOD in the wastewater as determined by the City in accordance with **Section 38-5-41**, divided by **0.20 pounds** of BOD per day (the average per capita BOD of non-industrial discharges).
- (3) **SS Population Equivalent.** This population equivalent equals the average daily pounds of suspended solids in the wastewater from such user as determined by the City in accordance with **Section 38-5-41**, divided by **0.20 pounds** of suspended solids per day (the average per capita SS of non-industrial discharges).

**38-4-28 COST PER CAPITA.** The dollar cost per capita shall be determined as follows:

$$ICR_{Qi}/P.E. = \text{Industrial Cost Recovery per capita (Population Equivalent - P.E.) attributed to flow.}$$

**UTILITIES 38-4-29**

		(Capital Cost of Treatment Facility attributable to industry)	(% attributed to flow)
ICR <sub>Qi</sub> /P.E.	=	<u>Design P.E., Grant Project</u>	
ICR <sub>Qi</sub> /P.E.	=	$\frac{(\$2,605,000.00) (0.33) \times .75}{10,700 \text{ P.E.}}$	
ICR <sub>Qi</sub> /P.E.	=	\$60.80/Capita	
ICR <sub>BODi</sub> /P.E.	=	Industrial Cost Recover per capita (Population Equivalent - P.E.) attributed to BOD.	
		(Capital Cost of Treatment Facility attributable to industry)	(% attributed to BOD)
ICR <sub>BODi</sub> /P.E.	=	<u>Design P.E., Grant Project</u>	
ICR <sub>BODi</sub> /P.E.	=	$\frac{(\$2,605,000.00) (0.33) \times .75}{11,450 \text{ P.E.}}$	
ICR <sub>BODi</sub> /P.E.	=	\$56.82/Capita	
ICR <sub>SSi</sub> /P.E.	=	Industrial Cost Recovery per capita (Population Equivalent - P.E.) attributed to Suspended Solids (SS).	
		(Capital Cost of Treatment Facility attributable to industry)	(% attributed to SS)
ICR <sub>SSi</sub> /P.E.	=	<u>Design P.E., Grant Project</u>	
ICR <sub>SSi</sub> /P.E.	=	$\frac{(\$2,605,000.00) (0.34) \times .75}{12,200 \text{ P.E.}}$	
ICR <sub>SSi</sub> /P.E.	=	\$53.33/Capita	

**38-4-29 COST FOR INDUSTRIAL USER.** The cost to be recovered from an industrial user (CI) shall be determined as follows:

		<u>Average Daily Flow Gallons</u>	
		100	(\$60.80)
AICR <sub>Qi</sub>	=	<u>Useful Life (Treatment Works)</u>	
		<u>Average Daily BOD, Pounds</u>	
		0.20	(\$56.82)
AICR <sub>BODi</sub>	=	<u>Useful Life (Treatment Works)</u>	

$$AICR_{SSi} = \frac{\text{Average Daily SS, Pounds}}{\text{Useful Life (Treatment Works)}} \quad (\$53.33)$$

$$CI = AICR_Q + AICR_{BOD} + AICR_{SS}$$

Where

$AICR_{Qi}$  = Annual Industrial Cost Recovery payment attributable to flow.

$AICR_{BODi}$  = Annual Industrial Cost Recovery payment attributable to BOD.

$AICR_{SSi}$  = Annual Industrial Cost Recovery payment attributable to Suspended Solids.

CI = Total Annual Industrial Cost Recovery Payment.

**38-4-30 CHARGE FOR INDUSTRIAL COST RECOVERY.** Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the cost recovery amount determined by **Section 38-4-29** for such industry, divided by the recovery period. Where an industry is connected to a public sewer after the start-up of the facilities constructed under a State grant, such industry shall only pay its portion of the State grant for each month remaining in the recovery period. Such industry will not be required to pay for those months of the recovery period prior to connection to a public sewer.

**38-4-31 LENGTH OF INDUSTRIAL COST RECOVERY PERIOD.** The industrial cost recovery period shall be equal to the useful life of the treatment works which shall be **thirty (30) years** from 1979.

**38-4-32 PAYMENTS AND BILLINGS PERIODS FOR INDUSTRIAL COST RECOVERY.** All industrial users of the City shall pay the cost as determined by **Section 38-4-30** for industrial cost recovery and such payments shall be made quarterly on or before the **tenth (10th) day** of the month immediately following the expiration of the quarter for which service has been supplied, and in the event such bills are not paid by the **tenth (10th) day** of the month immediately following the expiration of the quarterly period, a service charge of **ten percent (10%)** shall be added thereto.

An industrial user may wish to fulfill its industrial cost recovery obligation by making a lump sum payment for its entire share of the cost of construction of the treatment works. In this event such payments may be accepted by the City and either processed as a normal industrial cost recovery payment, or set aside in

a separate account to be drawn on annually for the remainder of the industrial cost recovery period. Lump sum payments by an industry will not relieve an industrial user from the obligation of making additional future payments should its wastewater flow or load increase. Discounts from the total industrial cost recovery requirement will not be given to industrial users making advance or lump sum industrial cost recovery payments. No interest component shall be included in the cost component charged to an industrial user, irregardless of the lump sum or monthly payment method selected by the industrial user. Any interest earned by the City on industrial cost recovery payments set aside will be recoverable in the same manner as if the payments were made as due **(40 CFR 35.928-2a)**.

**38-4-33 DELINQUENCY AND TERMINATION OF SERVICE.** If the delinquency in the payment of the recovery cost continues for a period of more than **thirty (30) days**, the sewer service shall be discontinued. In the event the charges for industrial cost recovery are not paid within **sixty (60) days** after the rendition of that bill, then such service charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquent charge shall constitute a lien upon the real estate for which such sewer services were supplied. The City Clerk is hereby authorized and directed each month to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Macoupin County, Illinois, and the filing of such statements shall be deemed notice of a lien for the payment of such charges for sewer service.

**38-4-34 TIME OF FIRST PAYMENT.** The initial payment made by an industrial user which is connected to a public sewer after the start up of the treatment works constructed with a State grant shall be made by the next scheduled due date as defined in **Section 38-4-32**, and shall be equal to **one-twelfth (1/12)** of the amount as determined by **Section 38-4-30** times the number of months of service in that calendar year.

**38-4-35 ADJUSTMENT OF CHARGE DUE TO STRENGTH OR VOLUME CHANGES.** If there is a change in the strength and/or volume introduced into the treatment works by an industrial user, as determined by the previous year records, the City shall adjust the users portion of any State grant accordingly.

**38-4-36 ADJUSTMENT OF CHANGE DUE TO PLANT IMPROVEMENT UTILIZING STATE GRANT FUNDS.** If there is an expansion or upgrading of the treatment works utilizing a State grant, each existing industrial user's share shall be adjusted accordingly.



**38-4-37**     **NO CHARGE FOR UNUSED OR UNRESERVED CAPACITY.** An industrial user's portion of any State grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

**38-4-38**     **COMMITMENT FOR INCREASED USE.** An industrial user's portion of any State grant shall include allowance for the cost of any firm commitment to the City for any increased use by such user.

**38-4-39**     **PAYMENT TO THE STATE OF ILLINOIS REQUIRED.** The City shall retain **fifty percent (50%)** of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the State of Illinois Anti-Pollution Fund on an annual basis.

**38-4-40**     **DISPOSITION OF RETAINED AMOUNTS.** **Eighty percent (80%)** of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Federal Act and the State of Illinois. The City, prior to commitment of the retained amounts, shall obtain written approval of the Illinois Environmental Protection Agency for any expansion or reconstruction. The remainder of the retained amounts may be used for such expenditures as the City deems appropriate.

**38-4-41**     **INVESTMENT OF RETAINED AMOUNTS REQUIRED.** Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in:

- (A)           Obligations of the U.S. Government; or
- (B)           Obligations guaranteed as to principal and interest by the U.S. government or by obligations fully guaranteed as to principal and interest by the U.S. government or any agency thereof.

**38-4-42**     **SUPERINTENDENT OF WATER AND SEWAGE DEPARTMENT RESPONSIBILITY.** The Superintendent of the Water and Sewage Department shall maintain the necessary records for determination of user share of the cost and shall provide the billing and collection services as required by **Sections 38-4-16** and **38-4-26**.

**38-4-43**     **CITY RESPONSIBILITY.** The City shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery in accordance with **Section 38-4-39, 38-4-40** and **38-4-41**.

**38-4-44**     **MONITORING REQUIRED.** The City shall maintain a program of monitoring industrial user discharges as the Clerk deems necessary, provided that any major contributing industry shall be monitored no less than **twelve (12) times** annually and any industrial user that has a population equivalent as determined by **Section 38-4-27** greater than or equal to **fifty (50)** shall be monitored no less than once annually. All other industrial users shall be monitored at such frequency as deemed necessary by the City for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent in accordance with **Section 38-4-27**.

**38-4-45**     **APPEAL AND ARBITRATION.** The City shall establish industrial cost recovery charges as set forth herein, and in accordance with applicable State and Federal guidelines and requirements, and shall notify any industry which requests a permit to discharge into the public sewerage system of the industrial cost recovery charges to be levied. The notification from the City to the industry shall be in writing, and shall be submitted to the industry within **thirty (30) days** after the industry has made application for a connection/ discharge permit, and has provided complete and satisfactory information regarding the volume and character of the waste, and has submitted plans for a control manhole with appurtenances, and has received a permit from the Environmental Protection Agency. The City may provide preliminary information regarding industrial cost recovery charges to be levied, but actual charges to be levied shall not be determined until after the above and other stipulations of the Article has been complied with by the industrial user to the satisfaction and approval of the City.

In the event that the industrial user, or other persons affected by the industrial cost recovery system and charges, wishes to have a hearing regarding the reasonableness of the industrial cost recovery charges imposed by the City in accordance with State and Federal regulations, the industry or person shall duly notify the City in writing and request an administrative hearing before the City Council within **thirty (30) days** after the industry has been informed of the actual charges to be levied by the City. Actual discharge of industrial waste to the City system shall not commence until the industry has issued to the City written concurrence with the industrial cost recovery charges. The City shall conduct the administrative hearing within **thirty (30) days** after receipt of written request for the hearing, and the City shall duly notify the industrial user or person, and other interested parties, in writing at least **fifteen (15) days** prior to the hearing date, and identify the time, date and location of the administrative hearing. The Mayor shall serve as the hearing officer, and all testimony received (including written documents) shall be entered into the records of the City as an official meeting of the City Council. The notice of the administrative hearing shall be

published in the legal notice section of a newspaper of local distribution at least **fifteen (15) days** prior to the date of the hearing. The legal notice shall state the purpose of the hearing, time, date and place of the hearing. All interested parties shall be given ample opportunity to enter testimony into the record of the administrative hearing.

In the event the City and industrial user cannot agree to the reasonableness of the charges, and the compliance of the charges with regulations set forth by the State and Federal EPA, the industry may request a hearing before representatives of IEPA within **ten (10) days** after the City administrative hearing has been conducted. The City and the industrial user, or the person, shall abide by the decision of IEPA regarding the reasonableness of the industrial cost recovery charges to be levied by the City. In all cases, the industry cost recovery system and charges shall be in accordance with applicable State and Federal regulations.

**38-4-46     DISCONTINUANCE OF USE BY INDUSTRIAL USERS.** If an industrial user discontinues use of the treatment works (including termination of any agreement for use of reserve capacity), its payment for industrial cost recovery will cease. There shall be no requirement for other industrial users using the treatment works at that time to assume the portion of the industrial cost recovery system payment which is unrecovered due to the departure or discontinuance of service by an industrial user.

If the City chooses to require an industrial user to pay termination of services charges allocable to costs associated with the industrial cost recovery system, payment to the City for such charges shall be in accordance with an agreement stipulating such conditions at the time the City and industrial user mutually agree to conditions of service. Such an agreement shall be in writing and cannot contain an interest component. Funds recovered in such a manner may become the property of the City, unless otherwise stipulated by applicable State or Federal regulations.

**38-4-47     RESERVE CAPACITY.** The City may choose to permit industrial users to reserve capacity in the treatment works. Such capacity shall be reserved through a formal, written agreement which shall be subject to requirements of the industrial cost recovery system contained herein and in State and Federal regulations.

If the City agrees to allow an industrial user to reserve capacity in the treatment works, the industrial user shall be required to pay the full amount of the industrial cost recovery charges calculated on the full reserved capacity plus additional industrial cost recovery charges for use above the limits of the reserved capacity or any element thereof.

## **UTILITIES 38-4-48**

In the event the treatment works are expanded or upgraded in the future with State or Federal grant assistance, an industrial user that has executed a reserve capacity agreement and has made industrial cost recovery payments based upon full reserved capacity will not incur additional industrial cost recovery charges associated with the cost of expansion of capacity of existing unit processes associated with treatment until the industrial user's actual use of the treatment works exceeds its reserved, agreed upon capacity.

Industrial users without reserved capacity contracts will be required to pay any additional industrial cost recovery charges associated with the cost of expanding or upgrading the treatment works.

**38-4-48**    **ENFORCEMENT.** Enforcement of Division IV shall be suspended until the City is directed to do otherwise by the Illinois Environmental Protection Agency.

**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:

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

**"GOVERNMENT, FEDERAL".**

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

(B) **"Federal Act"** means the Federal Water Pollution Control Act (**33 U.S.C. 1251 et seq.**) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (**Pub. L. 92-500**) and (**Pub. L. 93-243**), and the Clean Water Act of 1977 (**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"** means the City Council.

(B) **"Superintendent"** shall mean the Superintendent of wastewater facilities of the City of Carlinville, Illinois or his authorized deputy, agent, or representative.

(C) **"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 Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(D) **"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.

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

**"GOVERNMENT, STATE".**

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

(B) **"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.

**"INFLOW SOURCES"** means wastewater flows from rainfall, snowfall or other precipitation through down spouts, footing drains, yard drains, culverts, storm sewers and other sources. (**Ord. No. 1382; 03-02-98**)

**"SEWER TYPES AND APPURTENANCES"**

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from

soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

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

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive 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 for operation maintenance and replacement.

(B) **"Capital Cost Charge"** shall mean the assessment levied on all users of the public sewer system for depreciation and debt service.

(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 and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

(D) **"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.

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

(F) **"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.

(G) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be **twenty (20) years** from the date of start-up of any wastewater facilities constructed with a State grant.

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

(I) **"Wastewater Service Charge"** shall be the charge per quarter or month levied on all users of the Wastewater Facilities.

(J) **"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, used for human occupancy.

(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 such as offices, stores, eating, drinking, laundry, cleaning, and recreation.

(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**, 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 "Standard 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 0.22 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 (1/2) inch (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) **"Standard Methods"** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(O) **"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 "Standard Methods".

(P) **"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.

(Q) **"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.

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

(S) **"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 Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

**DIVISION II**

**USE OF PUBLIC SEWERS REQUIRED**

**38-5-2**      **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.

**38-5-3**      **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.

**38-5-4**      **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.

**38-5-5**      **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 **one hundred (100) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

**38-5-6**      **COMBINED SEWER ADDITIONS.**

(A)            All new construction tributaries to the combined sewer system shall be designed and constructed to minimize and/or delay the inflow contribution to the combined sewer system. **(See 38-5-1 - Definitions)**

(B)            All inflow sources on the combined sewer system shall be connected to a storm sewer, within a reasonable period of time, if and when a storm sewer is or becomes available.

(C)            Any new building domestic waste connection to the City's sanitary sewer system shall be distinct from the building inflow connection, to facilitate disconnection of the said inflow connection if and when a storm sewer becomes available. **(Ord. No. 1382; 03-02-98)**

**38-5-7**      **RESERVED.**

**DIVISION III**

**PRIVATE SEWAGE DISPOSAL**

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

**38-5-9**      **PRIVATE SEWER SYSTEM APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the City at the time the application is filed. The fee is not refundable.

**38-5-10**      **PRIVATE SEWAGE SYSTEM PERMIT.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **thirty-six (36) hours** of the receipt of written notice by the Superintendent.

**38-5-11**      **PRIVATE SEWAGE SYSTEM DESIGN CRITERIA.** 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 **7,500 square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet unless approved by the State Department of Public Health and the County Health Department.

**38-5-12**      **UTILIZATION 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 38-5-5**, the building sewer shall be connected to the sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and waste material which shall be disposed of in a lawful sanitary and proper manner, and the private disposal system shall be filled with clean bank-run gravel or dirt.

**38-5-13**      **MAINTENANCE OF PRIVATE SEWAGE 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.

**38-5-14 ADDITIONAL REQUIREMENTS OF PRIVATE SEWAGE SYSTEM.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the County Health Department.

#### DIVISION IV

#### BUILDING SEWERS AND CONNECTIONS

**38-5-15 DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**38-5-16 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.

**38-5-17 CLASSES OF PERMITS.**

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

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

(B) In either case, the owner or his agent shall make applications on a special form furnished by the City. **(See Appendix)**

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

**38-5-18 COST BORNE BY OWNER.** All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne

by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This Section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

**38-5-19 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.

**38-5-20 OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to be of similar material and construction to that required of new sewers.

**38-5-21 CONSTRUCTION METHODS.** 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.

**38-5-22 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 an approved means and discharged to the building sewer.

**38-5-23 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.

**38-5-24 BUILDING AND PLUMBING CODE APPLICABLE.** 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 Superintendent before installation.

**38-5-25 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.

**38-5-26 INSPECTION.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative after the roof structure is constructed.

**38-5-27 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.

**DIVISION V**

**SEWER FEES**

**38-5-28     SEWER CONNECTION FEES.**

(A)           The basic fee for connection to the municipal system to serve a single family dwelling shall be **Five Hundred Dollars (\$500.00)** per connection. The basic fee for connection to the municipal system to serve a commercial facility shall be assessed at **One Thousand Dollars (\$1,000.00)**. All connections shall be done by a licensed plumber and the cost of same shall be borne by the applicant. All road repairs are the responsibility of the applicant, and a **Five Hundred Dollar (\$500.00)** deposit shall be imposed for residential service and a **One Thousand Dollar (\$1,000.00)** deposit for commercial road work to insure such is done correctly and will be returned to the applicant upon final inspection. **(Ord. No. 1729; 06-02-14)**

(B)           Sewer connection permits shall be valid only for **sixty (60) days** after issuance.  
**(Ord. No. 1485; 10-20-03)**

**38-5-29     EXTENSION OF MUNICIPAL SEWER SYSTEM.**

(A)           No extension will be permitted if in the opinion of the City Council, the system does not have the necessary capacity to serve the proposed extension.

(B)           The City Council shall determine if an extension of a sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will be served by the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the Board elects not to pay the cost of extending the sewer main then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the Board. 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. Any extension, other than a service connection to a single premises shall become the property of the City upon its completion.

(C)           All extension of the municipal sewer system shall be made only at the locations and in accordance with the specifications established by the City Council. All plans for such extension shall be prepared by a Registered Professional Engineer and shall be approved by the City Council and the Illinois Environmental Protection Agency. Inspection of the construction of such extension shall be provided by the City but the cost of such inspection shall be deposited with the City before construction is commenced by the person desiring to have such system extended. A deposit of the estimated cost of any work to be performed by the City in connection with such sewer extension shall be made by the person desiring such extension before such work is commenced. Adequate insurance, as determined by the City Council shall be provided during construction protecting the City. A surety bond in the sum equal to the estimated cost of construction of the extension to secure the City the actual construction of such extension in accordance with the applicable

ordinance of the City and of the plans and specifications therefor, and to hold the City harmless of any claims whatsoever arising out of the construction of such extension shall be delivered to the City Clerk before construction of such extension is commenced.

(D) Easements acceptable to the City Engineer for construction and maintaining requested extensions shall be provided and recorded at no expense to the City before any extension of such system shall be made. Such easements and all rights incident thereto shall become the property of the City. It is hereby declared to be the policy of the City to extend the utmost cooperation permitted by law in the obtaining of such easements. No reimbursement shall be made by the City for costs of interest, bonds, easements, permits, licenses, insurance or administrative overhead of the person extending the municipal sewer system. The City Council shall have the authority to waive such of the requirements of this section as it shall deem in the best interest of the City for lateral sewer extensions serving an area with a potential of less than **fifteen (15)** service connections.

**38-5-30 SEWAGE LIFT STATIONS.**

(A) Cost of construction and operation of permanent lift stations shall be borne by the person or persons desiring such lift stations and none shall be constructed except as permitted by the City Council.

(B) Permanent lift stations and pressure lines serving more than two separately owned properties shall be built only on easements to the City and shall be maintained and operated by the City. Charges for the maintenance and operation of such lift stations shall be apportioned and billed as an additional use charge among the users thereof as the City Council shall determine.

**38-5-31 SEWER TAPS AND TAPPING FEES.**

(A) The connection of the building sewer to the sewer main shall be made at the "Y" or "T" branch designated for that property, if such branch is available at a suitable location. In the event a "Y" or "T" branch is not available for connection, the owner may tap such sewer main and install a saddle with gasket, at such location as the Superintendent shall specify, to be firmly affixed to the sewer main by a heavy cast iron clamp or the use of stainless steel strap and hardware, after first having cut a clean hole in the sewer main no longer than the interior diameter of such building sewer. In no event shall any portion of the building sewer or any appliance to tap the same into the public sewer extend beyond the interior wall of the public sewer.



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(B) The saddle shall have a spigot or bell inlet suitable for acceptance of the size and type of building sewer pipe to be connected. If necessary, an acceptable flexible coupling is to be used with the saddle for a water-tight connection.

(C) All taps into the sewers of the City shall be made only by authorized sewer personnel upon direction of the Superintendent, except other qualified persons may make taps to the sewer upon receiving written permission from the Superintendent and installed under the direction of personnel appointed by the City. Such permission for others to tap into the sewer system will be issued for each separate connection and shall be valid for one connection only.

DIVISION VI

USE OF PUBLIC WASTEWATER FACILITIES

**38-5-32**     **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-5-33**     **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, or natural outlet.

**38-5-34**     **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

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

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

**38-5-35**     **HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse

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

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

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

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

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

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

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

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

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

(I) Materials which exert or cause:

- (1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

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

**38-5-36     HARMFUL WASTES; APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-35** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, **June 26, 1978** and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-5-42.**

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

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

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

**38-5-37 GREASE AND OIL INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

**38-5-39 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**38-5-40 INDUSTRIAL WASTE TESTING.**

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

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a

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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.

**38-5-41 MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**38-5-42 SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

**DIVISION VI**  
**INSPECTIONS**

**38-5-43**     **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.

**38-5-44**     **INSPECTION AND TESTING.**

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

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

**38-5-45**     **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-5-44** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-40**.

**38-5-46**     **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

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

**DIVISION VII - PENALTIES**

**38-5-50** **PENALTY.** Any person found to be violating any provision of this Ordinance except **Section 38-5-43** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

**38-5-51** **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding **Five Hundred Dollars (\$500.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.