

Chapter 36

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ARTICLE I. IN GENERAL**Sec. 36-1. Waterworks and sewerage department.**

The combined waterworks and sewerage system in the village shall be maintained and operated as a separate department and in this article shall be referred to as the department. (Code 1981, § 9-3-1; Ord. No. 608, 5-23-1988)

Sec. 36-2. Superintendent duties.

The superintendent of public works shall have supervision over all buildings, sewers, manholes, mains, treatment works, wells, appurtenances and equipment used in the furnishing of waterworks and sewerage service in the village and shall see that the object and purposes of the waterworks and sewerage department are carried out and that the waterworks and sewerage system is conducted on an economical, businesslike basis, and, for this purpose, it shall be the duty of the superintendent and all of the officers, employees and servants of the department to enforce all of the provisions of this article and to observe and obey and carry out the orders and directions of the board of trustees. The superintendent of public works shall prepare and keep at the village hall a complete atlas of the waterworks and sewerage system with all connections and other appurtenances distinctly recorded therein.

(Code 1981, § 9-3-2; Ord. No. 608, 5-23-1988)

Sec. 36-3. Compensation.

The superintendent and other officers and employees of the waterworks and sewerage department shall receive as compensation for their services amounts to be fixed by the board of trustees from time to time.

(Code 1981, § 9-3-3; Ord. No. 608, 5-23-1988)

Sec. 36-4. Monthly report.

The superintendent shall, not later than the fifth day of each month or more often if required, submit a report in writing to the board of trustees listing therein, but not limited to, the following data:

- (1) Applications for service approved.
- (2) Number of metered and unmetered customers connected to the system at the beginning and the end of the period.
- (3) Details of any major repairs and extensions to the system or other facts pertinent to his duties in the conduct of his office.

(Code 1981, § 9-3-4; Ord. No. 608, 5-23-1988)

Sec. 36-5. Duties.

The superintendent or such officer or employees of the waterworks and sewerage department as the board of trustees shall determine shall read water meters of the village, issue water and sewer connection permits, and shall perform such other duties as now are or may be imposed upon him by law or this Code.

(Code 1981, § 9-3-5; Ord. No. 608, 5-23-1988)

Secs. 36-6—36-28. Reserved.

ARTICLE II. WATER

DIVISION 1. GENERALLY

Sec. 36-29. Service rates and charges.

(a) Charges for water service shall be based on the amount of water consumed and the rate specified in the village fee schedule.

(b) An annual service rate and charge increase of 4.65 percent shall be determined by the board of trustees each year, to be effective for water/sewer bills mailed May 1.

(c) Users of the system located outside the village limits shall have 50 percent added to their bills for the combined services rendered.

(d) Bulk water sold to tank wagons shall be charged per 1,000 gallons or fractional part thereof at the rate specified in the village fee schedule.

(Code 1981, § 9-1-1; Ord. No. 825, 4-7-2015)

Sec. 36-30. Deposit and billing.

(a) No service shall be provided to a new or reconnected user of the system until such user shall deposit the sum specified in the village fee schedule with the clerk or collector. The deposit in the amount specified in the village fee schedule shall be applied against any liquidating damages or bills or charges in arrears by the user or shall be returned to the user upon discontinuance of service if all arrears and proper charges to the customer shall have been paid to time of discontinuance.

(b) The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the services on such premises, and the service is furnished to the premises by the village only upon condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the village.

(c) All bills for service shall be rendered as of the first day of the month succeeding the period for which the service is billed and shall be payable not later than the close of business on the tenth day of the same month. A penalty of ten percent shall be added to all bills not

paid within ten days of date of billing. When the tenth day of any month shall fall on a weekend or a legal holiday, then such bills for service shall be payable on the next succeeding secular day without any additional penalty.
(Code 1981, § 9-1-2; Ord. No. 736, 4-4-2006)

Sec. 36-31. Connecting fee.

Anyone requiring a water service connection shall pay a fee as established by the village fee schedule each time the water is connected. See section 36-33 for fees in association with disconnection for delinquent accounts.
(Code 1981, § 9-1-3; Ord. No. 736, 4-4-2006)

Sec. 36-32. Liens.

In the event the charges for service are not paid within 40 days after rendition of the bill for such service, such charges shall be deemed and are declared to be delinquent, and such delinquencies shall constitute liens upon the real estate for which such service is supplied and the clerk is authorized and directed to file sworn detailed statements showing such delinquencies in the office of the recorder of deeds of the state, and the filing of such statements shall be deemed notice of the lien for payment of the service rendered.
(Code 1981, § 9-1-4; Ord. No. 608, 5-23-1988)

Sec. 36-33. Disconnection.

(a) In the event the charges for such services become delinquent as described in section 36-32, the clerk or collector is authorized and directed to cause notification to be given in writing to the owner of the premises, the occupant thereof, and the user of the service that such delinquency exists and that services shall be discontinued without further notice.

(b) It shall be the duty of the superintendent of public works of the village to secure copies of the notices of all delinquencies from the clerk or collector on the 11th day of each month and to shut off services to the delinquent user at the end of the heretofore mentioned 40-day period.

(c) Upon the disconnecting of any service, a charge in the amount established in the village fee schedule shall be made for reconnecting the same after settlement of the current as well as delinquent account, in addition to the deposit in the amount established in the village fee schedule as mentioned in section 36-30 unless previously deposited.
(Code 1981, § 9-1-5; Ord. No. 736, 4-4-2006)

Sec. 36-34. Meters.

(a) No free service of the combined water units and sewerage system of the village shall be furnished to any person, public or private. Every user of the combined waterworks and sewerage system of the village shall have an accurate operating metered water connection to the system and every such water meter shall be sealed. It shall be the duty of the

superintendent of public works to maintain all meters of the system in good and accurate working condition, and to replace all meters as he shall determine have become inaccurate or faulty.

(b) If any water meter at any time fails to register the quantity of water running through it, the quantity shall be determined and the charge made based on the average monthly use registered during the month preceding the date of such failure, or the usage for the same month of the preceding year.

(Code 1981, § 9-1-6; Ord. No. 608, 5-23-1988)

Sec. 36-35. Collector.

The president and the board of trustees shall designate a collector for the combined waterworks and sewerage system of the village, and it shall be the duty of such collector to render bills for service and all other charges in connection therewith and to collect all monies due thereon. The collector shall be covered to the maximum amount on hand at any time by an approved corporate surety bond.

(Code 1981, § 9-1-7; Ord. No. 608, 5-23-1988)

Sec. 36-36. Funds collected.

All revenue and monies derived from the operation of the combined waterworks and sewerage system shall be held by the clerk or collector separate and apart from all other funds of the village, and all the sums, without any deduction whatever, shall be delivered to the village treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the president and board of trustees of the village.

(Code 1981, § 9-1-8; Ord. No. 608, 5-23-1988)

Sec. 36-37. Waterworks and sewerage fund.

The village treasurer shall receive all such revenue from the combined waterworks and sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in a completely separate fund designated as the "waterworks and sewerage fund of the Village of Minier," and the treasurer shall administer such fund in every respect in the manner provided for by the state municipal code and all laws amendatory thereof and supplementary thereto. The village treasurer shall be fully covered by a corporate surety bond.

(Code 1981, § 9-1-9; Ord. No. 736, 4-4-2006)

Sec. 36-38. Accounting.

(a) The clerk or collector shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the combined waterworks and sewerage system, and at regular intervals he shall cause to be made an audit by a registered certified public accountant of the

books to show the receipts and disbursements of the combined waterworks and sewerage system as well as other necessary information. Three copies of the audit shall be furnished the underwriter of the aforementioned bonds.

(b) Furthermore, it shall be the duty of the clerk or collector to file with the president and board of trustees a monthly report which shall include for the month:

- (1) The number of gallons billed or sold;
 - (2) The number of gallons pumped into the system;
 - (3) A list of the various revenues of the system for the month and total year to date;
 - (4) A list of the various expenditures of the system for the month and total year to date;
and
 - (5) The cash balance and investments on hand in each of the several funds of the waterworks and sewerage system.
- (Code 1981, § 9-1-10; Ord. No. 736, 4-4-2006)

Sec. 36-39. Connection permit.

(a) No connection shall be made with the combined waterworks and sewerage system without the written permission of the superintendent. Any connection or opening made with the waterworks and sewerage system without such permission in any manner different from the mode prescribed for such opening or connection shall subject the maker to a penalty. A copy of the written permit to connect to the water system of the village shall be filed with the collector for billing and deposit purposes.

(b) A nonrefundable water installation deposit in the amount established in the village fee schedule shall be paid to the clerk before a permit to connect shall be issued. Installation by the village shall be charged on a time and material basis against which the water installation deposit shall be credited. The balance of the water installation deposit shall be due upon completion of installation.

(c) In addition, a nonrefundable sewer inspection fee, in the amount stated in section 32-116(c), is due at the time of application for sewer connection.

(d) All extensions to the present water mains and sewer mains required to furnish service shall be paid for by the applicant desiring the same calculated upon the cost of labor and material to make such extension.

(Code 1981, § 9-1-11; Ord. No. 626, 6-2-1992; Ord. No. 736, 4-4-2006)

Sec. 36-40. Granting of permit.

The superintendent is authorized to grant such permit as he may deem proper allowing persons to connect to the waterworks system upon compliance with the rules, regulations

and charges as provided for in section 36-41. The president and board of trustees are authorized to establish such rules, regulations and charges for the granting of such permits and amend the same from time to time as may be deemed necessary.
(Code 1981, § 9-1-12; Ord. No. 608, 5-23-1988)

Sec. 36-41. Rules and regulations.

The president and board of trustees are authorized to make such rules and regulations consistent with this article for the connection to the waterworks and sewerage system specifying the types and sizes of pipes and all the other appurtenances and extensions thereto and amend the same from time to time as may be deemed necessary. All service pipes and connections to the combined waterworks and sewerage system shall comply with the specifications and rules for connection to the waterworks and sewerage system and violation shall be subject to a penalty as herein provided.
(Code 1981, § 9-1-13; Ord. No. 608, 5-23-1988)

Sec. 36-42. Access to premises.

Employees of the waterworks and sewerage system shall have the right at all times of access to any person's premises, for the purpose of ascertaining the number and type of water and sewer connections to the combined system and also for the purpose of installing or removing water service when the meter is located upon the premises. Any person refusing the right to permit the employees of the waterworks and sewerage system the right of access described in this section to his premises shall be subject to a penalty as hereinafter provided.
(Code 1981, § 9-1-14; Ord. No. 608, 5-23-1988)

Sec. 36-43. Hydrant rental.

A hydrant rental charge shall be paid into the waterworks and sewerage fund of the village computed on the basis of the number of fire hydrants connected to the system. The amount of such charge shall be set by the president and board of trustees so that adequate funds are received to defray the cost of repairing and replacing hydrants, adding new hydrants where needed in order that adequate facilities are available for fire protection.
(Code 1981, § 9-1-15; Ord. No. 608, 5-23-1988)

Sec. 36-44. Private water systems prohibited.

(a) No person having his residence or place of business within the territorial limits of the village waterworks and sewerage system shall be permitted to secure water for such residence or place of business located in the village, otherwise than through the water mains of the village, when the water mains of the water system of the village are adjacent to any subdivided lot, or parcel of real estate upon which the residence or place of business is located, unless such system existed prior to installation of the public water main.

(b) Notwithstanding subsection (a) of this section, the use of private water systems is expressly prohibited because of the possibility of groundwater contamination at 208 Route 122, Minier, IL 61759, PIN: 19-19-22-201-013, described as a tract described as follows: Starting at the northeast corner of Lot 16 in Livesay's Addition to the village; thence north to the south line of the public highway; thence east 166 feet to the place of beginning; thence east 90 feet; thence south to the north line of Livesay's Addition; thence west 90 feet; thence north to POB in the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ section 22, TWP 23 N, R2E of the county (also known as part of Lot 17).
(Code 1981, § 9-1-16; Ord. No. 783, 1-4-2011)

Sec. 36-45. Use of groundwater as a potable water supply prohibited.

(a) *Generally.* Except for such uses or methods in existence before the effective date of the ordinance from which this article is derived, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the village, as a potable water supply, by the installation or drilling of wells or by any other method is prohibited. This prohibition does not include the village.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Potable water means any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(c) *Memorandum of understanding.* The president of the village was previously authorized and directed to enter into a memorandum of understanding on or about January 4, 2011, with the state environmental protection agency in which the village assumes responsibility for tracking all sites that have received no further remediation determinations from the state environmental protection agency, notifying the state environmental protection agency of changes to this section, and taking certain precautions when siting public potable water supply wells.

(d) *Penalties.* Any person violating the provisions of this section shall be subject to a fine of up to \$250.00 for each violation.
(Code 1981, §§ 9-4-1—9-4-4; Ord. No. 808, 3-19-2013)

Sec. 36-46. Connection to public water main required.

In all cases where a public water main is now installed, or may be installed in any street, alley, public way or easement in the village, all inhabitants or users located on any lot or parcel of real estate fronting, abutting on or within a distance of 100 feet from the public water main to the nearest property line of such subdivided lot, or parcel of real estate on any

such street, alley, public way or easement, shall at their expense make, or cause to be made, connection to such public water main within three months after the installation of such public water main, if the same is not now installed.

(Code 1981, § 9-1-17; Ord. No. 608, 5-23-1988)

Sec. 36-47. Extension of water mains.

Any property owner or developer desiring to extend the public water mains for the benefit of their property may do so in accordance with the specifications and plans of the village, all of which shall be at the expense of the property owner or developer, unless the president and board of trustees specify otherwise by a resolution duly passed and approved.

(Code 1981, § 9-1-18; Ord. No. 608, 5-23-1988)

Sec. 36-48. Unauthorized connections.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water main, or appurtenance thereof, without having first obtained a written permit from the superintendent.

(Code 1981, § 9-1-19; Ord. No. 608, 5-23-1988)

Sec. 36-49. Applications; connections to water system.

Any person desiring to make any connection with the water system or have the use thereof shall first make application to the office of the superintendent upon a blank form furnished by the office. The application shall contain an agreement on the part of the applicant that all the rules, regulations, conditions and provisions of all this Code will be complied with, and that all fees, deposits, water rates, charges, rents and all fines and penalties assessed, charged or imposed against the applicant hereunder has complied with all the provisions of this Code; a permit shall then be issued by the superintendent authorizing the connection to be made.

(Code 1981, § 9-1-20; Ord. No. 608, 5-23-1988)

Sec. 36-50. Permit fees.

The fees to be charged for a permit to tap, or otherwise make a connection with, the water system shall be determined in such manner and amounts as shall be prescribed by ordinance adopted by the board of trustees of the village from time to time.

(Code 1981, § 9-1-21; Ord. No. 608, 5-23-1988)

Sec. 36-51. Separate water service required; exception.

A separate and independent building water main shall be provided for every building, except, where one building stands at the rear of another on an interior lot and no water main

is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the water main from the front building may be extended to the rear building and the whole considered as one building water main.
(Code 1981, § 9-1-22; Ord. No. 608, 5-23-1988)

Sec. 36-52. Turning on water; seals.

(a) No person not duly authorized shall turn on any service stop, or use water therefrom when so turned on, under penalty of a fine of \$50.00 for each offense, and the person so using or wasting water in such unlawful manner shall be liable to pay therefor at the regular water rates.

(b) No seal placed by the waterworks and sewerage department for the protection of any meter, valve, fitting or other water connection shall be defaced or broken, except on written authority from the superintendent.

(c) No person, other than members of the waterworks and sewerage department, shall use water from any fire hydrant connected with the waterworks system of the village, except for extinguishing fires or unless especially authorized by the superintendent.

(d) No person, other than employees of the village waterworks and sewerage department, shall turn on or off any water service at the meter. There shall be a charge in the amount established in the village fee schedule for turning on water service at the meter each time there is a request to do so by the water user. There shall be no charge for turning off water service at the meter.

(Code 1981, § 9-1-23; Ord. No. 608, 5-23-1988; Ord. No. 736, 4-4-2006)

Sec. 36-53. Installation of water service pipes, meters; penalties.

(a) The connection from the main to the curb stop shall be placed at least four feet below the level of the ground and the service pipe shall be laid sufficiently waving so that it shall be at least one foot longer than if laid in a straight line and shall be placed in such manner as to prevent rupture or breakage from settling of the ground. No person, whether owner or occupant, in possession or control of any building, structure or premises into which water is supplied through the village waterworks system shall be allowed, without written permission of the board of trustees, to supply other persons or families or to supply water from such building or premises to any other building, structure or premises. The supply of water to a building, to any other building, structure or premises of any person who violates any of the foregoing provisions of this section shall be shut off and stopped forthwith, and the water shall not again be turned on to such building, structure or premises from which it was cut off until there shall have been paid to the village such sum of money as the board of trustees shall deem properly due the village.

(b) If, after the water supply shall have been turned on to any building, structure or premises, it shall be found by any officer or employee of the village that there is willful and unreasonable use or waste of water during an emergency water shortage, the superintendent or such employee of the village as he shall designate shall have the authority, and it shall be

his duty, to cut off and stop the supply of water to such building, structure or premises until the person responsible for such use of water or willful or unreasonable waste thereof shall pay the village such additional sum of money for such water supply or on account of such unreasonable waste of water as the superintendent or board of trustees shall find properly to be due the village. Every person supplied with water from the village waterworks system shall, at his own cost and expense, have installed and kept in repair all pipes leading from the curb stop to his building, structure or premises as are supplied with water through such service pipes.

(c) Each water service pipe shall be connected with the water main and shall extend horizontally at right angles with the water main to a point at least 20 feet from the centerline of the street and shall be provided with a bronze curb stop of not less than three-fourths' inch in diameter to be installed within a telescopic shutoff box of the next quality of cast iron or first grade steel pipe.

(d) The water main must be tapped at an angle of 45 degrees with the vertical, and the corporation stop must be turned so that the T handle will be on top.
(Code 1981, § 9-1-24; Ord. No. 608, 5-23-1988)

Secs. 36-54—36-79. Reserved.

DIVISION 2. CROSS CONNECTION CONTROL

Sec. 36-80. Backflow prevention devices required.

(a) If, in accordance with the state plumbing code or in the judgment of the water superintendent of the water supply, an approved backflow prevention device is necessary for the safety of the public water supply system, the water superintendent will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the state plumbing code and all applicable local regulations and shall have inspections and tests made of such approved devices as required by the state plumbing code and local regulations.

(b) Only cross connection control devices which are approved by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research, 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 specifications, shall be used. Installation of approved devices shall be made only as specified by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute. Maintenance as recommended by the manufacturer of the device shall be performed. The manufacturer's maintenance manual shall be available on site.
(Code 1981, § 9-1-25-1; Ord. No. 608, 5-23-1988)

Sec. 36-81. Auxiliary, emergency water supply approval.

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 of the village water supply may enter the supply of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water superintendent of the village and the state environmental protection agency.
(Code 1981, § 9-1-25-2; Ord. No. 608, 5-23-1988)

Sec. 36-82. Public water supply hazards, survey and investigation.

It shall be the duty of the water superintendent of the village to cause surveys and investigations to be made of 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 investigation shall be made a matter of public record and shall be repeated at least every two years, or as often as the water superintendent shall deem necessary.
(Code 1981, § 9-1-25-3; Ord. No. 608, 5-23-1988)

Sec. 36-83. Cross connection inspections.

The water superintendent of the village or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village public water supply for the purpose of verifying information submitted by the customer regarding the required cross connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the water superintendent any information which he may request regarding the piping system or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the water superintendent, be deemed evidence of the presence of improper connections as provided in sections 36-80 through 36-86.
(Code 1981, § 9-1-25-4; Ord. No. 608, 5-23-1988)

Sec. 36-84. Violation; penalty.

(a) Any person violating sections 36-80 through 36-86 shall be fined in accordance with the general penalty provisions of this Code for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) The water superintendent of the village public water district is authorized and directed to discontinue, after ten days' written notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of sections 36-80 through 36-86 is known to exist, and to take other precautionary measures without notice as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains, including, without limitation, the right to immediate cancellation of water service without notice to any party to prevent actual or anticipated

contamination of the water supply, provided that, in the reasonable opinion of the water superintendent or the environmental protection agency, such action is required to prevent actual or potential contamination of the water supply. Such written notice may be delivered personally to the occupant, or may be sent to such person by certified mail, return receipt requested.

(c) Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of sections 36-80 through 36-86, and until a reconnection fee as established by the village fee schedule is paid by the occupant to the village public water supply for any injury, damages, or lost revenues which may result from the termination of the customer's water supply in accordance with the terms of sections 36-80 through 36-86, whether or not the termination of the water supply was with or without notice.

(Code 1981, § 9-1-25-5; Ord. No. 736, 4-4-2006)

Sec. 36-85. Contamination of water system; cleanup costs.

The person or entity responsible for backsiphoned material or contamination through backflow, or the consumer responsible 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 cleanup of the potable water supply system, including all costs associated with the enforcement of sections 36-80 through 36-86, including reasonable attorney fees and court costs incurred by the village.

(Code 1981, § 9-1-25-6; Ord. No. 608, 5-23-1988)

Sec. 36-86. Regulations adopted.

The board of trustees shall adopt such regulations as they shall deem necessary to promote the elimination or control of existing cross connections in furtherance of sections 36-80 through 36-86.

(Code 1981, § 9-1-25-7; Ord. No. 608, 5-23-1988)

Sec. 36-87. Inspection and approval of service pipes.

All service pipes and connections shall be inspected and approved by the superintendent or other persons under his direction, and no such service pipes shall be covered until they have been so inspected.

(Code 1981, § 9-1-26; Ord. No. 608, 5-23-1988)

Sec. 36-88. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, remove, deface or tamper with any conduit, structure, appurtenance, manhole, catchbasin, cover or equipment which is a part of the combined waterworks and sewerage

system of the village. Any person violating this provision shall be subject to immediate arrest and shall be civilly liable to the village for all damage incurred, including attorney fees.

(Code 1981, § 9-1-27; Ord. No. 608, 5-23-1988)

Sec. 36-89. Notice of violation.

Any person found to be violating any provisions of this article, except section 36-88, shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Code 1981, § 9-1-28; Ord. No. 608, 5-23-1988)

Sec. 36-90. Failure to comply.

Any person who shall continue any violation beyond the time limit provided for in section 36-89 shall be fined in accordance with the general penalty provisions of section 1-19. Each day in which any such violation shall continue shall be deemed a separate offense.

(Code 1981, § 9-1-29; Ord. No. 608, 5-23-1988)

Sec. 36-91. Liability for loss, damage.

Any person violating any of the provisions of this article shall become liable to the village for any expense, loss or damage occasioned the village by reason of such violation.

(Code 1981, § 9-1-30; Ord. No. 608, 5-23-1988)

Sec. 36-92. Recording.

A copy of this article, properly certified by the clerk, shall be filed in the office of the recorder of deeds of the state, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewerage system of the village on their properties, and it shall be the duty of the clerk and such other officers of the village to take all action necessary or required by state law thereunto enabling to file all claims in the manner, form and time as permitted by state law.

(Code 1981, § 9-1-31; Ord. No. 608, 5-23-1988)

Secs. 36-93—36-112. Reserved.

ARTICLE III. SEWER

Sec. 36-113. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basic user charge means the basic assessment levied on all users of the public sewer system.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

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

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Capital improvement charge means a charge levied on users to improve, extend or reconstruct the sewage treatment works.

Combined sewer means a sewer which is designed and intended to receive wastewater, stormwater, surface water and groundwater drainage.

Commercial user includes transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

Control manhole means a structure located on a site from which industrial wastes are discharged. When feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for the village representative to sample or measure discharges.

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.

Easement means an acquired legal right for the specific use of land owned by others.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

Industrial users includes establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

Industrial waste means 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.

Institutional or governmental use includes schools, churches, penal institutions and users associated with federal, state and local governments.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH means the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the state environmental protection agency, division of laboratories, Manual of Laboratory Methods.

Pretreatment means the treatment of wastewaters from sources before introduction into the wastewater treatment works.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 cm) in any dimension.

Public sewer means a sewer provided by or subject to the jurisdiction of the village. The term "public sewer" includes sewers within or outside the village boundaries that serve one or more persons and ultimately discharge into the village sanitary (or combined) sewer system, even though those sewers may not have been constructed with village funds.

Replacement means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful 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.

Residential user means all dwelling units such as houses, mobile homes, apartments, permanent multifamily dwellings.

Sanitary sewer means a sewer that conveys sewage or industrial wastes or a combination of both, and into which stormwaters, surface waters and groundwaters or polluted industrial wastes are not intentionally admitted.

Sewage is used interchangeably with the term "wastewater."

Sewer means a pipe or conduit for conveying sewage or any other waste liquids, including stormwater, surface water and groundwater drainage.

Sewerage means the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

Sewerage fund means the principal accounting designation for all revenues in the operation of the sewerage system.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

State grant means state 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.

Storm sewer means a sewer that carries stormwater, surface water and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

Stormwater runoff means that portion of the precipitation that is drained into the sewers.

Surcharge means 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 the concentration values established in this article.

Suspended solids (SS) means solids that either float on the surface of, or are in suspension in, water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the state environmental protection agency, division of laboratories, Manual of Laboratory Methods.

Unpolluted water means water 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.

User charge means a charge levied on users of treatment works for the cost of operation, maintenance and replacement.

User class means the type of user (residential, institutional/governmental, commercial, or industrial) as defined in this section.

Wastewater means 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.

Wastewater facilities means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Wastewater service charge means the charge per quarter or month levied on all users of the wastewater facilities, consisting of the total or the basic user charge, the local capital cost and a surcharge, if applicable.

Wastewater treatment works or sewage treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. The term "wastewater treatment works" or "sewage treatment works" is sometimes used as synonymous with waste treatment plant or wastewater treatment plant or pollution control plant.
(Code 1981, § 9-2-12)

Sec. 36-114. Use of public sewer required.

(a) It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the village or in any area under the jurisdiction of the village any human or animal excrement, garbage or other objectionable waste.

(b) It is unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of the village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owners of all the houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the village and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, any public sanitary (or combined) sewer of the village are required, at their 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 article, within 90 days after date of official notice to do so, provided that the public sewer is within 250 feet (76.2 m) of the property line.

(Code 1981, § 9-2-1; Ord. No. 608, 5-23-1988)

Sec. 36-115. Private sewage disposal.

(a) When a public sanitary (or combined) sewer is not available under the provisions of section 36-114(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent of public works. The application for such permit shall be made on a form furnished by the village which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the superintendent. A permit and inspection fee as established by the village fee schedule shall be paid to the village at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the superintendent.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Illinois Private Sewage Disposal Licensing Act and Code and with the state environmental protection agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than one-third acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 36-114(d), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the village.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the county health department.

(h) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 36-114(d), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(i) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the village.

(j) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the county health department.

(k) When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

(Code 1981, § 9-2-2; Ord. No. 608, 5-23-1988)

Sec. 36-116. Building sewers and connections.

(a) 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.

(b) All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Clean Water Act, 33 USC 466 et seq., and more stringent state and local standards.

(c) There shall be two classes of building sewer permits, for residential wastewater service and for commercial institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make an application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee as established by the village fee schedule for a residential or commercial building sewer permit shall be paid to the village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(d) 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.

(e) Owner and village responsibilities.

- (1) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (2) The owner served by the sewer shall also be responsible for removing any blockage of the sewer lines located on his or her property and that portion of the sewer lines on the public right-of-way which serves the property.
- (3) If the sewer line on a public right-of-way which services the property fails, and it is determined that the cause of the malfunction is either a defective sewer line or defective installation, the village shall be responsible for repairing the sewer line and reimbursing the property owner for the cost incurred in identifying and remediating the blockage.

(f) Any person, firm, corporation, or agency whatsoever who shall be allowed to tap into any of the following listed sanitary sewer main districts shall pay, separate and apart from any other charge, the tap-on charge at the rate established for the particular sanitary sewer main district on a per-acre or fraction thereof basis for each acre or fraction thereof which will drain its sanitary sewer into the sanitary sewer main. Such tap-on rate for sanitary sewer mains herein established shall apply only to users for residence purposes, school or church uses, and commercial purposes when the use shall not exceed 2,000 gallons per day of sewage discharge per acre. Nothing shall preclude either a residence, school, church or commercial enterprise to occupy one acre of ground so long as the combined use of sewage discharge will not exceed the 2,000 gallons per day. Under no circumstances shall sanitary sewage be discharged into any storm sewer or stormwater discharged into any sanitary sewer.

(g) Payment of the herein-described tap-on charge shall be made to the village within 30 days of the date the property plat is recorded in the office of the county recorder of deeds. The plat shall be used in determining the amount of acres to be paid for.

(h) The village board reserves the right to waive the herein-described tap-on charge for platted property which does not require a sanitary sewer. It shall be the responsibility of the property owner to request such a waiver.

(i) General sanitary sewer main districts and rates are designated and described as follows:

- (1) Stringtown Road Sanitary Sewer Main/Phase 1. This district shall consist of a sanitary sewer main running east along Stringtown Road from Main Street to

approximately 350 feet east of the east line of Darnall Country Estates, a subdivision located in the southeast quarter of section 22, township 23 north, range 2 west of the third principal meridian of the county. The tap-on rate for this district shall be \$1,000.00 per acre or fraction thereof, plus six percent per year interest beginning July 1, 1995, for property tributary to the Stringtown Road Phase 1 sanitary sewer as more generally shown on the Stringtown Road Phase 1 exhibit on file in the clerk's office.

(j) 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 of another 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.

(k) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

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

(m) No basement, half basement, or any other portion of a building having a floor elevation beneath the ground surface over the village sanitary sewer at the point of connection may be connected into the village sewer by gravity. In areas when the ground line over the village sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be three feet below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the village sewer, all sewage carried by such drain shall be lifted by approved mechanical means and discharged into the building sewer. No water operated sewage ejector shall be used. The aforesaid provisions shall apply to all buildings constructed after the effective date of the ordinance from which this section is derived.

(n) No persons 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 a public sanitary sewer.

(o) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, other applicable rules and regulations of the village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and

Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(p) 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.

(q) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.

(Code 1981, § 9-2-3; Ord. No. 608, 5-23-1988; Ord. No. 642, 5-3-1994; Ord. No. 737, 4-4-2006; Ord. No. 767, 2-3-2009; Ord. No. 790, 5-17-2011)

Sec. 36-117. Use of the public sewers.

(a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or 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, combined sewer, or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) 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.
- (3) 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.
- (4) 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.

(d) 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 sewer's 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:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (zero degrees Celsius and 65 degrees Celsius).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- (5) 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 superintendent for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent 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.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (8) Any wastes or waters having a pH in excess of 9.5.

- (9) Any mercury or any of its compounds in excess of 0.0005 mg/L as Hg at any time except as permitted by the superintendent in compliance with applicable state and federal regulations.
 - (10) Any cyanide in excess of 0.2 mg/L at any time except as permitted by the superintendent in compliance with the applicable state and federal regulations.
 - (11) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. Unusual volume of flow or concentrations of wastes constituting slugs as defined in section 36-113.
 - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable 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.
- (e) Superintendent rights, review, approval.
- (1) 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 this section, 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:
 - a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge; or
 - d. 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 36-121.
 - (2) 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, ordinances and laws.

(f) Grease, oil and sand interceptors shall be provided by the owner 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.

(g) When preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(h) 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 manholes, when required, shall be accessibly and safely 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.

(i) 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 chapter and any special conditions for discharge established by the village or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to ensure 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 village at such times and in such a manner as prescribed by the village. The owner shall bear the expense of all measurements, analyses and reporting required by the village. At such times as deemed necessary, the village reserves the right to take measurements and samples for analysis by an outside laboratory service.

(j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(k) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor, in accordance with article II of this chapter, by the industrial concern provided such payments are in accordance with federal and state guidelines for user charge system.
(Code 1981, § 9-2-4)

Sec. 36-118. Protection of sewerage works from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be civilly liable to the village for any damage, including attorney fees incurred.
(Code 1981, § 9-2-5)

Sec. 36-119. Powers and authority of inspectors.

(a) The superintendent and other duly authorized employees of the village, the state environmental protection agency, and U.S. Environmental Protection 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 chapter. 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.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the superintendent or duly authorized employees of the village, the state environmental protection agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company.

(c) The superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Code 1981, § 9-2-6; Ord. No. 608, 5-23-1988)

Sec. 36-120. Penalties.

(a) Any person found to be violating any provision of this article except section 36-118 shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall,

within the period of time stated in such notice, permanently cease all violations. The village may revoke any permit for sewage disposal as a result of any violation of any provision of this chapter.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this chapter shall become liable to the village by reasons of such violation, including any attorney fees incurred.
(Code 1981, § 9-2-7; Ord. No. 608, 5-23-1988)

Sec. 36-121. Wastewater service charges.

(a) *Basic charge for wastewater service charges.* The wastewater service charge for the use of and for service supplied by the wastewater facilities of the village shall consist of a basic user charge for operation and maintenance, plus replacement and capital improvements. The debt service charge is computed by apportioning the annual debt service on a cost-per-1,000-gallon basis.

(b) *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 100 gallons.

- (1) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the superintendent for the purpose of determining the volume of water obtained from these other sources.
- (2) Devices for measuring the volume of waste discharged may be required by the superintendent if these volumes cannot otherwise be determined from the metered water consumption records.
- (3) 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 superintendent.

(c) *Basic user rate.* There shall be and there is established a minimum charge and a basic user rate of and for service supplied by the wastewater facilities of the village. A minimum charge in the amount established in the village fee schedule per month shall be applied to all users whose water consumption does not exceed 1,000 gallons per month. A basic rate in the amount established in the village fee schedule per 1,000 gallons shall be applied to all users for water consumption in excess of 1,000 gallons per month.

(Code 1981, § 9-2-8; Ord. No. 826, 4-7-2015)

Sec. 36-122. Basis for charges; billing and collection procedure.

(a) *Bills.* The rates or charges for service shall be payable monthly or quarterly, depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the village. Bills for sewer service shall be sent out by the clerk on the first day of the month or quarter succeeding the period for which the service is billed. All sewer bills are due and payable ten days after being sent out. A penalty of ten percent shall be added to all bills not paid by the tenth day after they have been rendered.

(b) *Delinquent bills.* If the charges for such services are not paid within 40 days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until a charge in the amount established in the village fee schedule is paid for reconnecting the same and after settlement of the current as well as delinquent account, in addition to a deposit in the amount established in the village fee schedule unless previously deposited.

(c) *Lien; notice of delinquency.* When a bill for sewer service remains unpaid for 40 days for monthly service or for quarterly use service after it has been rendered, the clerk shall file with the county recorder of deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the clerk has notice of this, notice shall be mailed to the owner of the premises if his address be known to the clerk, when such bill remains unpaid for the period, 45 days for a monthly bill or 105 days for a quarterly bill 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 bills as mentioned in subsection (d) of this section.

(d) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, including reasonable attorney fees as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the village. The village attorney is authorized and directed to institute such proceedings in the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days in the case of a monthly bill or 105 days in the case of a quarterly bill after it has been rendered.

(e) *Revenues.* All revenues and monies derived from the operation of the sewerage system shall be deposited in the waterworks and sewerage fund of the village as provided in section 36-37. All such revenues and monies shall be held by the village treasurer separate and apart from his private funds and separate and apart from all other funds of the village and

all of the sum, without any deductions whatever, shall be delivered to the village treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the president and board of trustees.

(f) *Receipt and administration of revenues.* The village treasurer shall receive all such revenues from the sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "sewerage fund of the Village of Minier." The treasurer shall administer such fund in every respect in the manner provided by state law of the Revised Cities and Villages Act, effective January 1942.

(g) *Accounts.* The clerk 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 sewerage system, and, at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (2) Billing data to show total number of gallons billed per fiscal year.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the system.
- (5) Number of nonmetered users.
- (6) A list of users discharging nondomestic and industrial wastes and volume of waste discharges.

(h) *Penalty.* Any person, firm or corporation violating any provisions of this article shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

(i) *Access to records.* The IEPA or its authorized representative shall have access to any books, documents, papers and records of the village which are applicable to the village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state grant.

(j) *Effective date of rates.* The rates and service charges established for user charges in section 36-121 shall be effective with the April 2015 reading mailed May 1, 2015.
(Code 1981, §§ 9-2-9, 9-2-10; Ord. No. 737, 4-4-2006; Ord. No. 608, 5-23-1988; Ord. No. 826, 4-7-2015)