

**CHAPTER 25**  
**WATER AND WASTEWATER DEPARTMENT**

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## **25.01 CREATION**

There is hereby established for the City a combined water and wastewater department hereinafter called the Department.

## **25.02 SUPERINTENDENT**

The Public Works Coordinator shall be in charge of the Department and shall oversee the activities of that department.

## **25.03 DUTIES OF THE DEPARTMENT**

The Department shall be in charge of all matters relating to the water facilities and the wastewater facilities including the connection thereto and the extension thereof.

## **25.04 DEFINITIONS**

In addition to the definitions in Appendix A of this Code, terms used in this Chapter 25 are defined in Exhibit A at the end of this Chapter 25.

## **25.05 BILLING DUTIES**

It is hereby made the duty of the utility billing clerk to render bills for service and for all rates and charges in connection therewith and to collect all moneys due thereon.

## **25.06 MANNER OF BILLING FOR THE USE OF THE WATER AND WASTEWATER FACILITIES**

A. **BILLINGS:** A bill shall be rendered for the use of the water and wastewater facilities. Billings shall be made not less than quarterly.

Where charges are to be recomputed annually said charges shall become effective for all water purchased or wastewater treated during the period to which the rate applies.

B. **PENALTY:** A penalty of 10 percent shall be added to each bill not paid within 30 days after the rendition of the bills.

C. **MULTIPLE METERS:** Single users with multiple water meters or flow meters shall be rendered a single bill.

D. **LIABILITY FOR SERVICE:** The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service on such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the City.

**25.07            MULTIPLE CONNECTIONS**

A multiple unit user is defined as any additional number of residential or commercial units located on the same premises and being served through a single water meter or sewer connection where there is no separate water meters for each such residential or commercial unit, such as an apartment building, mobile home court or commercial and residential units located within the same building. In all such cases, there shall be an additional debt service charge, as required in Sections 25.29 and 25.34 herein, for each additional unit provided with water service and/or sewer service and served by a single connection. The additional debt service charges for each unit shall be added to the quarterly billing.

**25.08            DISPOSITION OF REVENUES**

A.     **WATER AND SEWER CHARGES:** All revenues and monies derived from the water and sewer charges shall be held by the Treasurer separate and apart from all other funds of the City.

B.     **TAPPING FEES:** All revenues and monies derived from tapping fees shall be deposited in the Water and Wastewater Improvement Fund. Said fund shall be used solely for the improvement, extension or the betterment of the water and wastewater facilities.

C.     **METER FEES:** Meter fees shall be deposited in the water and sewer operating fund.

**25.09            ACCOUNTS**

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

The Treasurer shall maintain such records as necessary to document compliance by the City with the Act for the user charge system.

**25.10            FILING REGULATIONS**

A copy of the provisions of this Chapter 25 relating to water and wastewater service charges shall be filed in the Office of the Clerk 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 water and wastewater facilities of the City on their properties.

**25.11            BILLING PROCEDURES**

A.     Water and sewer user services charges shall be billed every three months. Despite the joint liability of property owners, occupants and users, the bills for such service shall be mailed to the property owners. It shall be the responsibility of the property owner to make

prompt payment of the bill without regard to any agreements the property owner may have with his tenant regarding payment procedures. Although the City shall also have the right to seek collection from, and take action against users and occupants for the non-payment of said bills, the City shall follow a policy of, in any event, demanding direct and prompt payment from property owners and shall take such action as is legal and appropriate to enforce and compel payment by said property owners, including exercise of the City's legal right to terminate and shut off service.

Said bills shall be mailed to said property owners on or after the first day of the month succeeding the billing period for which the service is billed, and payment shall be due 30 days after the date of the billing. If payment of the entire amount of said bill for water and/or sewer charges is not received by the City on or before the 30th day after the billing date, then a late payment charge of 10 percent of the unpaid balance of the bill shall be added and become due and payable.

B. The property owners, the occupant thereof and the user of the water and/or sewer service shall be jointly and severally liable to pay for such service to such premises, and such service is furnished to the premises by the City only upon the condition that the property owner, occupant and user of such service are jointly and severally liable therefor to the City.

C. In the event the water and/or sewer charges, including any late payment charges then due, are not paid within 30 days after the date of billing, such charges and late payment charges shall be deemed to be delinquent, and the City shall have the following remedies, which, except as otherwise provided in this subsection, shall be cumulative and not mutually exclusive:

1. To terminate water service to any premises for which water and/or sewer charges are delinquent, upon notice to the property owner and occupant as provided in Section 25.12.
2. To file a Notice of Lien with the McHenry County Recorder of Deeds against any premises for which water and/or sewer charges are delinquent, in the amount of said delinquent charges, and to foreclose on said lien in the manner provided in Section 25.12.
3. To sue the owner, occupant or user of any premises for which water and/or sewer charges are delinquent in a civil action to recover monies due in the amount of said delinquent charges, plus court costs and reasonable attorneys' fees.

D. The City may require that bills be paid in cash in the event two checks are returned to the City due to insufficient funds within a 12-month period.

**25.12 TERMINATION OF SERVICE, NOTICE, HEARING** *Amended, 07-7-2*

A. **DELINQUENT ACCOUNTS:** In the event any sewer or water bill remains unpaid for 30 days after the charges have been billed, a penalty of 10 percent of the delinquency

amount shall be added to the charges. If after a period of 60 days from the original date of billing, any water and/or sewer charges plus the 10 percent penalty remain unpaid, or if an actual water meter has not been read for 12 consecutive months, the Water Department shall deliver personally, or mail notice, to the property owner, if known to the City, and any occupant being billed for services to the premises for which water and/or sewer charges remain unpaid, informing them of:

1. The amount of the default, including a \$30 administrative fee, the period of service for which said charges are claimed to be due; or
2. The fact that an actual water meter reading has not been obtained in 12 consecutive months; and
3. Advising them that they have the right to request a hearing regarding the delinquency claimed or failed attempt to read the water meter before the General Administration Committee.

The notice shall provide that the occupants and the property owner may appear before the General Administration Committee at City Hall on a date not less than seven days from the date of the mailing of the notice for a hearing regarding the delinquent charges, any dispute with regard thereto or the failed attempt to read the water meter.

**B. HEARING PROCESS:** All requests for a hearing are to be made in writing at City Hall within 14 days of the mailing of the delinquency notice. All requests for a hearing should be delivered in person to City Hall during regular business hours (Monday-Friday, 8:00 a.m.-4:30 p.m.), at which time a date for the hearing will be scheduled. All hearing requests must cite a valid claim or dispute regarding the charges. Valid claims or disputes include but are not limited to the following: broken water meter, leak in water pipes, etc. Financial hardship or inability to pay is not a valid claim or dispute. The hearing shall be conducted informally, but may, with the mutual consent of the parties, be recorded by suitable sound reproduction equipment. Any and all written documents, memoranda or other tangible exhibits offered by the owner, occupant or user shall become part of the record of the hearing.

**C. TERMINATION OF SERVICE:** After the proceedings outlined in this Section 25.12 have been followed or in the event that the charges for service are not fully paid within 75 days after the charges have been billed, water service may be terminated by the City if the water and/or sewer charges set forth in the notice remain unpaid or if the City has not obtained an actual reading of the water meter.

**D. LIENS:** In the event the charges for service are not fully paid within 60 days after the charges have been billed, such charges shall be deemed and hereby declared to be delinquent, and therefore such delinquencies shall constitute liens upon the real estate. The Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the McHenry County Recorder of Deeds. The filing of such statements shall be deemed notice for the payment of such charges for service.

E. OCCUPANCY: In the event that such charge remains unpaid after the posting of the notice of delinquency and services have been terminated the City may declare the building receiving said services “unfit for human occupancy.”

**25.13 REINSTATEMENT OF SERVICE** *Amended, 07-7-2*

Upon payment to the City of the full delinquency amount, plus the 10 percent penalty, the administrative fee of \$30 and a reinstatement of service fee of \$100, the City shall reinstate the service or issue a permit for the service to be reinstated. If a permit is issued to reinstate the service, the owner of the premises or the occupant and user of the service, shall pay all costs necessary to reinstate the service, including inspection and supervision costs incurred by the City. In the event reinstatement does not take place during regular Water Department business hours (Monday-Friday 7:00 a.m. – 3:00 p.m.) the reinstatement of service fee will be increased to \$150. Reinstatement of service shall not occur between the hours of 8:00 p.m. and 7:00 a.m. The City may require the balance due to be paid in cash.

**25.14 POWERS AND AUTHORITY OF INSPECTORS**

The Coordinator and other duly authorized employees or agents of the City, bearing City identification which contains their photograph, shall be permitted to enter all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter 25. They shall have no authority to inquire into any industrial process except as may have bearing on the use of water or the kind of discharge to the wastewater facilities.

The Coordinator and other duly authorized employees or agents of the City, bearing City identification which contains their photograph, 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 public water and wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**25.15 REGULATIONS APPLICABLE**

The regulations of this Chapter 25 govern every user of the City water and wastewater facilities and shall be part of the contract between the City and every such user. In making application for water or sewer service every user shall agree in writing to be bound thereby. It is the duty of the Coordinator to enforce these regulations.

**25.16 SHUTTING OFF WATER**

In case of making repairs or alterations or constructing new facilities, or for any other reason, the Coordinator reserves the right to shut off the water and keep it shut off as long as may be necessary to make such repairs, alterations or the construction of new facilities. Prior to shutting off the water, users shall be given adequate notice except in an emergency; and in such case, the

Coordinator shall provide notice as conditions permit. No claim shall be made against the City by reason of the above or by reason of the breakage or failure of any pump, or other portion of the water system.

## **25.17 EMERGENCY LIMITATIONS OF USE OF WATER**

A. Whenever in the judgment of the Mayor public exigency may require it, he shall have the right and authority by proclamation, to limit in respect to time, or wholly suspend or prohibit for such length of time as such exigency shall in his judgment require, the use of water for any nonessential purpose, and no person shall use or draw water in violation of any such proclamation. The City shall take reasonable efforts to publicize the proclamation including the posting of a notice at City Hall, advising the media and all City personnel.

B. PENALTY: Any person, firm or corporation violating this Section 25.17 shall be fined not less than \$25 nor more than \$1,000 for each offense, plus the City's cost of prosecution including reasonable attorney fees. Each day that a violation continues to occur shall be considered a separate offense.

## **25.18 METERS AND SAMPLERS REQUIRED** *Amended, Ord. 14-9-5*

A. WATER METERS: No person shall be allowed to receive water from the City for any purpose except fire protection without first having a proper water meter installed to measure the amount of water consumed.

Meters shall conform to specifications fixed by the Coordinator as to size, capacity and construction. All meters shall be installed under the direction and supervision of the Coordinator at a location approved by the Coordinator.

All meters to be initially installed in properties within the City shall be paid for along with all other applicable fees at the time the building permit is issued. Meter fees shall be established from time to time by the City Council. For meters 1½ inches and smaller, the meter fee shall be sufficient to include the cost of the meter, installation, maintenance and replacement thereof. For meters larger than 1½ inches, the meter fee shall be sufficient to include the cost of the meter, plus shipping and handling, and installation. Meter fees shall not be refunded. All meters shall be purchased by the City and provided to the permit holder when requested.

Meters 1½ inch in size and smaller will be furnished and installed by the City and shall be the property of the City. Meters that are the property of the City shall be maintained, repaired or replaced by the City at no cost to the user except as provided for herein.

Meters larger than 1½ inches will be installed by the City and thereafter will become the property of the user. Meters owned by users shall be maintained by the user at no cost to the City. Said user, however, shall be required to maintain the meter so that the accuracy remains within three percent, plus or minus, of original accuracy. The user shall file a meter calibration report with the Coordinator annually.

In the event a building contains more than one user, a meter is hereby required for each user unless the building contains only residential dwelling units and the use of a single meter for the building is approved by the Coordinator.

The cost of meters 1½ inches and smaller and the installation thereof shall be borne by the user. The cost shall be termed the meter fee and shall be paid at the time application is made for water service. Meter fees shall be established from time to time by the City Council and shall be sufficient to include the cost of the meter, installation, maintenance and replacement thereof. Meter fees shall not be refunded.

B. **INSTALLATION:** No accessories or equipment other than the equipment identified and on file with the Public Works Department, shall be installed within 12 inches of either side or in front of the water meter. The equipment and installation method required for the automated meter reading will be specified in a separate installation instruction packet available through the Public Works Department.

C. **FLOW METERS:** Any user except a domestic user may be required to install a flow meter in the inspection manhole (see 25.35-G) to accurately measure and record the rate of discharge of and the volume of wastewater discharged to a public sanitary sewer.

Any user, except a domestic user, may install a flow meter in the inspection manhole to accurately measure and record the rate of discharge of and the volume of wastewater discharged to a public sanitary sewer for billing purposes if approved by the Coordinator.

Flow meters shall be a permanent installation and shall include equipment to accurately indicate, record and total the flow and shall be approved by the Coordinator prior to installation. The equipment required to indicate, record and total the flow shall be located in a warm, dry, location and be accessible for reading. The equipment shall be recalibrated a minimum of once a year and a certificate of calibration filed with the Coordinator. The user shall submit flow records to the Coordinator monthly.

D. **SAMPLERS:** Each industrial user and such other users except domestic users as may be designated by the Coordinator shall be required to sample the wastewater. The frequency of sampling shall be determined by the Coordinator. The minimum frequency of sampling shall not be less than once a year.

Samples shall be tested for constituents determined by the Coordinator by a commercial laboratory approved by the Coordinator and a copy of the analysis sent to the Coordinator. The user shall pay all costs of sampling and analysis.

E. **WATER METERS ON PRIVATE WATER SUPPLY:** Whenever any portion of water pumped from a private water supply is discharged to the wastewater facilities of the City a meter shall be installed to measure the amount of water pumped from the private water supply. Wastewater bills shall be based on the amount of water pumped unless flow meters are approved as herein provided. Where flow meters are approved the meter requirement may be waived by the City Council.

All meters installed on private water supplies shall be purchased and owned by the user and shall conform to all of the requirements of Section 25.18-A except that the maintenance required for meters one inch and under shall not exceed the maintenance provided for City owned meters of the same size.

No person shall remove a private meter for the purpose of having it repaired without first contacting the Coordinator and having the meter read before it is removed and after it has been replaced. All meters shall be repaired through the City or by persons approved by the City. Whenever a meter is removed a replacement meter shall be installed to provide for continuous metering of the private water supply. If a replacement meter is not available the wastewater charges for the period for which no meter was in service shall be based on the average use for a previous comparable period as determined by the City.

No person shall alter the water supply piping from a private well to the meter after the installation of the meter has been approved by the Coordinator without having a permit from the City. No person shall tamper with the meter. Any person violating these provisions shall be subject to immediate termination in accordance with Section 25.12-C.

No person shall in any manner obstruct access to any meter.

At the discretion of the Coordinator, billing for users having a private well water supply shall be a fixed amount per billing period.

F. **SERVICE FAILURE TO INSTALL EQUIPMENT OR GRANT ACCESS:** In the event a customer either (i) fails or refuses to install or maintain any equipment required by the City, or (ii) fails or refuses to grant access to the City's employed or contracted personnel to install or maintain any such equipment, the City may, at its discretion, take one or more of the following measures:

1. Shut off water and/or sewer service to the building. Fourteen days before disconnection, the Coordinator will send the property owner notice, by certified mail, return receipt requested, that service will be discontinued and the building will be red-tagged as unfit for human occupancy. Service will be restored after the required equipment is installed or maintained, to the satisfaction of the Coordinator, and the City's costs of disconnection and reconnection, including administrative fees and postage costs, are paid by the customer. Under certain circumstances, such as no reasonable installation access from the meter to the power line, and at the discretion of the Coordinator, the City may waive the installation requirement.
2. Impose a fine pursuant to Section 25.49-B of this Code for each day of noncompliance with this Section.
3. As to the City's transponder installation program in Fiscal Year 2014-2015, the City shall extend a one month grace period starting on October

1, 2014, for those customers who have failed or refuse to have transponders installed. Commencing November 1, 2014, the City shall impose a surcharge on the customer's water bill. The surcharge shall be in an amount to cover any reasonable expected use of water at the property, as well as an administrative fee to compensate for the inefficiency and additional City costs created by the customer not adopting the required new transponder system at that particular property. Specifically, the surcharge shall be \$20 per month (\$60 per cycle). Beginning February 15, 2015, the surcharge shall be increased to \$40 per month (\$120 per cycle). Finally, commencing May 1, 2015, the City shall automatically proceed pursuant to the provisions of Section 25.18-F1 regarding shut off procedures.

#### **25.19 ACCESS TO EQUIPMENT**

No person shall in any manner obstruct access to any valve, hydrant, stopcock, manhole, flow measuring equipment or any other equipment necessary to the operation of the water or wastewater facilities which is located in any public street, alley or easement.

No person shall in any manner obstruct access to any meter or any flow measuring equipment located in any building.

#### **25.20 DAMAGE TO EQUIPMENT AND PROPERTY**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or property of the water or wastewater facilities.

No unauthorized person shall repair, remove or replace any equipment, appurtenance or property of the water and wastewater facilities.

Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall pay the cost of restoring the equipment.

#### **25.21 USE OF WATER FACILITIES REQUIRED** *Amended, Ord. 01-2-5*

A. Except as provided herein, the owner of all houses, buildings or properties situated within the City and outside of the radius referenced in Section 21.21A, abutting on any street, alley or right of way in which a public water main with available capacity is within 200 feet of the nearest property line of the property, shall be required to extend the public water main to and across the frontage of the property and make connection as herein provided within six months said water main being available. If such water main extension benefits other properties the City may enact a recapture ordinance and make best efforts to collect and return to the owner amounts received from benefitted properties. The only exception to this Section 25.21 is with respect to an owner of an existing house, building or property that is serviced by a private well as of the effective date of this provision, February 26, 2001. In this situation, the owner may continue to use said private well until such time the existing private well system fails or is in need of repair

or replacement parts. At the time the existing private well system fails, needs repair or replacement parts, the private well shall immediately be abandoned and connection made to the City public water main.

B. NOTICE: At the time a public water main becomes available pursuant to Section 25.21-A herein, written notice shall be sent to the property owner by certified mail, return receipt requested, and by posting a copy of said notice on the premises, of the requirement to connect to the public water main.

C. FAILURE TO MAKE CONNECTION: In the event connection to the public water supply is not made as required in this Section 25.21, upon 30 days written notice to the owner and occupants, the City shall terminate occupancy and use of the premises pending compliance with this Section 25.21.

## **25.22 PRIVATE WATER SUPPLY**

A. Whenever a public water main is not available under the provisions of Section 25.21 the building service pipe shall be connected to a private water supply complying with the provisions of this Section 25.22.

B. Whenever an industrial user requires water for industrial purposes and the Coordinator determines that the City water facilities have inadequate capacity to provide the pressure, volume or rate flow required by said industry, the user may be required to install a private water supply complying with the provisions of this Section 25.22. Provided, however, that the private water supply is not used for any purpose except for industrial purposes and no cross connection is made to the public water supply.

C. A private water supply shall not be used for domestic purposes for any building except a single family residence.

D. Before commencement of construction of a private water supply, the owner shall first obtain a written permit signed by the Building Commissioner. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Building Commissioner. A permit and inspection fee shall be paid to the City at the time the application is filed, and shall be in such amount as the City Council may from time to time determine. The owner shall also secure permits from all other agencies having jurisdiction and file copies with the Building Commissioner.

E. The owner shall operate and maintain the private water supply in a sanitary manner at all times, at no expense to the City.

F. Whenever a private water supply is provided the owner shall install a water meter as provided in Section 25.18-D.

## **25.23 TAPPING WATER MAINS**

A. No person shall make a connection to the water facilities of the City without first making application to the Coordinator for the privilege of making said connection and to have a written permit approved by the Coordinator or Building Commissioner and to pay all applicable fees.

B. Persons desiring such connection to the water facilities of the City shall, in addition to making application, fully state all purposes for which water is required and answer all questions put to them by the Coordinator relating to the proposed water consumption. In the case of any fraudulent representation on the part of the user, the payment will be forfeited and the supply of water stopped.

C. No permit will be issued until the Permittee:

1. Pays the tapping fee as prescribed in this Section 25.23.
2. Pays the cost of the meter and installation thereof (meter fee).
3. Secures a street opening permit if required in conformance with the provisions of Chapter 6.
4. Agrees to pay all costs of the installation of said service.
5. Agrees to give the Coordinator a minimum of 24 hours notice prior to the start of the installation of the service and when the service shall be ready for inspection, except that no inspections will be made at times other than during regular City working hours.
6. Agrees that the materials used and the method of installation shall be in conformance with specifications established by the Coordinator.
7. Agrees to pay all costs of inspection and testing if inspection in excess of the inspection and testing normally provided by the City is deemed necessary by the Coordinator.
8. Agrees to conform to all rules governing plumbers and to the regulations of the Illinois State Plumbing Code.
9. Agrees to secure and protect the City from any liability or damage whatsoever for injury (including death) to any person or property and files with the Clerk liability insurance certificates. The amount of the insurance shall be established by the City Council.

D. FEES: Water tapping fees will be charged for connecting or tapping onto the water facilities. Such fees, which must be paid at the time of application for the service, are found in

Exhibit A of Chapter 24 of this Code.

#### **25.24 WATER SERVICE PIPE**

The water service pipe extends from the City water main to and includes the curb stop cock which shall be located in a street or an easement as directed by the Coordinator.

The pipe, valves and fittings used for the service pipe shall be as specified by the Coordinator. The Coordinator may make the service pipe tap to the water main or the Coordinator may allow the user's contractor to make the connection under the supervision of the Coordinator.

The permittee shall pay all costs of installing the service including such material and services provided by the City. The permittee shall maintain the water service pipe.

#### **25.25 BUILDING SERVICE PIPE**

The building service pipe extends from the curb stopcock to the building and shall be installed by the user at his expense. The building service pipe shall be the same size and same material as the water service pipe and shall be inspected by the Coordinator.

Persons taking water must do so at their own expense, and must keep the building service pipe in good repair, protect it from frost or damage in any other manner and prevent all unnecessary waste of water. It shall be the duty of the user to maintain the building service pipe from the curb stop cock to the house. If the user fails to properly maintain the building service pipe the Coordinator shall have the authority to enter onto the property and provide maintenance as required and bill for the cost of said maintenance on the next water bill or shut the water off until proper maintenance is completed.

#### **25.26 SEPARATE SERVICES REQUIRED**

A separate water service pipe is required for every building or residence. Where a building contains more than one commercial or industrial user or where the building contains a combination of commercial or industrial and residential uses there shall be separate services for each use if required by the Coordinator. A single meter is allowed in buildings with more than one residential user.

#### **25.27 DISCONTINUING WATER SERVICE**

Any person moving from or within the City shall give written notice to the City Water Billing Clerk prior to the expiration of the time for which payment has been made or becomes due and remaining unpaid; otherwise he shall be liable for the charge for the ensuing billing period.

Persons wishing to discontinue the use of water in homes used seasonally shall give written notice thereof to the Coordinator. Shutoff services shall be performed by the City only during regular business hours.

**25.28 FIRE HYDRANTS** *Amended, 08-4-1, 07-3-6, 05-3-1, 04-2-1*

A. USE: All hydrants constructed in the City for the purpose of extinguishing fires are hereby declared to be public hydrants. No persons other than members of the Marengo Fire Protection District and those authorized by the Coordinator shall open any such hydrant or attempt to draw water from same or in any manner interfere with or injure any of such hydrants.

B. OBSTRUCTION OF HYDRANTS: No person shall obstruct the use of any fire hydrant or place any material in front thereof. Any material forming such obstruction may be removed by the City or by the Marengo Fire Protection District. The cost of removal shall be borne by the owner thereof.

C. WRENCHES: No person shall use any water hydrant wrenches without the permission of the Coordinator.

D. TEMPORARY USE: Any person wishing to make a connection to a hydrant as a temporary source of water for construction or other purposes approved by the Coordinator shall make application to the Coordinator. The user shall make a deposit equal to the replacement cost of the meter which shall be returned less \$10.00 per week or portion thereof for meter rental and any cost of maintenance and repair to the meter. Meters will be supplied as available. No temporary meters shall be installed between November 15 and April 1 or at any other time where there is danger of freezing. Temporary meters shall be installed on a weekly basis and payment for the use shall be weekly.

E. CHARGES: The charges for water that is taken directly from a fire hydrant shall be as follows:

	Effective 4/1/08	Effective 4/1/09	Effective 4/1/10	Effective 4/1/11
<b>First 3,000 gallons of water:</b>	\$20.38	\$21.40	\$22.47	\$23.59
plus a debt service charge of:	\$ 6.31	\$ 6.63	\$ 6.96	\$ 7.31
<b>Per 1,000 gallons after first 3,000 gallons:</b>	\$ 4.46	\$ 4.68	\$ 4.91	\$ 5.16
plus a debt service charge of	\$ 6.31	\$ 6.63	\$ 6.96	\$ 7.31
<b>Plus</b> an hourly salary of (1 hour minimum) during regular business hours:	\$31.54	\$33.12	\$34.86	\$36.60
<b>Plus</b> an hourly salary (1 hour minimum) after regular business hours:	\$63.08	\$66.24	\$69.72	\$73.20

**25.29 WATER SERVICE CHARGE** *Amended, 18-6-2, 16-5-2, 15-6-1, 08-4-1, 07-3-6, 05-3-1, 04-2-1, 01-8-5*

A. METERED WATER SUPPLIES INSIDE THE CITY: The rates or charges for the use of and for the service supplied by the water facilities of the City inside the corporate limits, for meter readings taken after June 1, 2018, are based on the amount of water consumed as follows:

<b>Billing rates are as follows:</b>	<b>Effective for meter readings taken 6/1/2018</b>
For each user of water service of the combined waterworks and sewerage system within the corporate limits, the usage charge per 1,000 gallons of water used per quarter shall be:	\$3.05
Debt service charge to pay part of the cost of bonds issued for system improvements per quarter for each single metered or multiple unit user per quarter shall be:	\$26.44

B. **METERED WATER SUPPLIES OUTSIDE THE CITY:** The rates or charges for the use of and for the service supplied by the water facilities of the City outside the corporate limits, for meter readings taken after June 1, 2018, are based on the amount of water consumed as follows:

<b>Billing rates are as follows:</b>	<b>Effective for meter readings taken 6/1/2018</b>
For each user of water service of the combined waterworks and sewerage system outside the corporate limits, the usage charge per 1,000 gallons of water used per quarter shall be:	\$4.58
Debt service charge to pay part of the cost of bonds issued for system improvements per quarter for each single metered or multiple unit user per quarter shall be:.	\$39.66

C. **UNMETERED WATER SUPPLY FOR SPRINKLER, FIRE PROTECTION SERVICE:** Whenever sprinkler or fire protection services are desired, application must be made for the privilege of installing such service. Complete plans for installation shall be attached to such petition. When said application is approved a contract shall be entered into with the City for connection from City mains to the property, which connection will be made by and the cost of same to be paid by the user.

City water will not be admitted into any sprinkler or fire protection service unless all pipes in connection with such system are left exposed for inspection and pressure testing.

A valve shall be installed with a rising stem, on each side of the check valve and each shall have the valve operating handle accessible for operation outside of the building.

No additional sprinkler heads shall be installed or new connections of any kind whatsoever shall be made to a sprinkler or fire protection system unless a permit for such connection has been granted by the City.

Where a reservoir is maintained on any premises in connection with sprinkler or fire protection system, or for any other special service, the water service shall be connected with such reservoir in such a manner as to exclude all danger of back siphonage. Such connections shall be made only upon approval of the Coordinator.

No connection of any kind whatsoever except for fire protection shall be taken from any fire or sprinkler service system.

All private fire prevention water line users in the City shall pay an annual fee, on May 1 of each year, for the management, maintenance and operation thereof based on the following formula:

$$\text{Diameter of water supply line} \times \frac{\$1,000}{2} \times .33 = \text{annual maintenance fee}$$

### **25.30 EXTENSION OF PUBLIC SANITARY SEWERS OR WATER MAINS**

A. No person shall uncover, make any connection with or opening into, use, alter or disturb any public sanitary sewer or water main of the City for the purpose of extending same without first making application to the Coordinator for making said extension and to have the proposed extension approved by the City Council.

B. Persons desiring such extension of the water and sewer system shall file with the Coordinator four copies of the following documents:

1. Detailed plans and specifications prepared by a registered professional engineer registered in the State of Illinois.
2. IEPA permit application with such supporting documents as are required by the IEPA, completely filled out and ready for City signature.
3. Detailed estimate of cost of the extension.

C. After approval of the plans and specifications by the City Engineer and receipt of an IEPA permit the person or persons shall submit to the Coordinator the following documents prior to starting the extension:

1. Agreement and bond executed by the permittee wherein he agrees to make and install the improvements in accordance with the plans and specifications specifying a completion date not more than six months after the date of the agreement unless the City Council determines, on the basis of the recommendation of the City Engineer, that a longer time is necessary.

The guarantee for completion of the improvements by the permittee shall be in the principal amount of 150 percent of the estimated cost as approved by the City Engineer; and secured by either:

- (a) A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association subject to draw by the City to complete the improvements if it is not completed within the prescribed time limit.
- (b) A clean, non-declining, irrevocable letter of credit issued by a federally insured bank or savings and loan association. The letter shall be approved by the City and provide that funds may be drawn only by the City.

The bond shall remain in effect for a period of one year after acceptance of the work by the City Engineer as a guarantee of good faith of the permittee to correct defects. At the discretion of the City Council the bond may be reduced during the maintenance period.

- 2. Copies of all permits, insurance and bonds required for street openings or stream crossings and any other permits required by an agency having jurisdiction.
- 3. Certificates of insurance protecting the City from any liability or damage whatsoever from injury, including death, to any person or property. The amount of the insurance shall be as established by the City Council.

D. Person or persons extending water or sewer shall agree as follows:

- 1. To pay all costs of plan review by the City Engineer. Payment shall be made to the City prior to the City signing the IEPA permit applications.
- 2. To pay all costs of inspection including resident supervision if deemed necessary by the City Engineer. The estimated cost of inspection, approved by the City Engineer, shall be deposited with the Treasurer prior to the start of work and additional funds added during the work if required. The permittee, however, shall pay only the actual costs of such services based on standard engineering fees. At the completion of the work any unused portion of the amount deposited shall be returned. No interest shall be paid on deposited funds.
- 3. Materials and construction methods shall be in conformance with specifications established by the City Engineer.
- 4. The engineer designing the extension shall file as-built drawings at the completion of the work with the City.

E. The performance bond will not be released until the following documents are filed with the Clerk and approved by the City Council:

1. As-built drawings: one reproducible set and two sets of prints;
2. Release of all permits;
3. Copies of all tests required by the Coordinator or the City Engineer;
4. The guarantee period has expired.

F. No extension will be allowed to the sanitary sewer system if the City Council determines that the wastewater facilities have inadequate available capacity.

### **25.31 WASTES**

A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any water course within the City, or in any area under the jurisdiction of the City, any untreated sanitary sewage, industrial wastes or polluted waters.

C. It shall be unlawful to construct or maintain any privy, privy vault or cesspool intended or used for the disposal of sewage.

### **25.32 USE OF SEWERS REQUIRED**

The owner of all houses, buildings or properties situated within the City and abutting on any street, alley or right of way in which there is now located a public sewer, shall be required to make connection to the public sewer within 200 days after official notice that the public sewer is available. The owner shall pay all costs of connection, including recapture fees, if applicable.

The owner of all houses, buildings or properties situated within the City and abutting on any street, alley or right of way in which a public sewer is within 300 feet of the nearest property line of the property shall be required to extend the public sewer to and across the frontage of the property and made connection as herein provided. If such public sewer benefits other properties the City shall enact a recapture ordinance and make best efforts to collect and return to the owner amounts received from benefitted properties. All public sewer extensions shall be made in accordance with Section 25.30 herein.

### **25.33 PRIVATE WASTEWATER TREATMENT FACILITIES**

A. No person shall construct a wastewater treatment facility within the City or in any area under the jurisdiction of the City for the purpose of treating wastewater and discharging same to a water course.

B. No person shall construct a wastewater treatment facility within the corporate limits of the City for the purpose of treating industrial wastes and discharging same to a water course unless the City Council determines that the wastewater treatment facilities have inadequate capacity, and issues a permit for the construction and operation of a wastewater treatment facility. No City permit shall become effective until:

1. An IEPA permit to construct and operate the facility has been received.
2. A NPDES permit has been received.
3. The City Engineer has approved the plans and specifications in writing.
4. The guarantee period has expired.

Persons operating a wastewater treatment facility shall file copies of all operating reports sent to the USEPA and IEPA with the Coordinator and such other reports as the Coordinator deems necessary.

C. No person shall construct a private wastewater treatment facility with subsurface disposal of the effluent if the population to be served exceeds 15 persons or the system is intended to serve more than one building.

D. Where a public sewer is not available under the provisions of Section 25.32 a private wastewater treatment facility employing subsurface absorption facilities may be installed, if the wastewater to be treated is domestic.

E. Before commencement of construction of a private wastewater treatment facility employing subsurface absorption facilities the owner shall first obtain a written permit signed by the Building Commissioner. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Building Commissioner. A permit and inspection fee shall be paid to the City at the time the application is filed, and shall be in such amount as the City Council may from time to time determine. The permit shall not be issued until applicable county permits are on file.

F. A permit for a private wastewater treatment facility employing subsurface absorption facilities shall not become effective until the installation is completed to the satisfaction of the Building Commissioner. 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 Building Commissioner when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Building Commissioner, except that no inspections will be made at any time other than regular City working hours.

G. GRINDER PUMP SYSTEMS:

1. POLICY: The City has experienced situations where development is pos-

sible but gravity sewers and conventional sanitary sewer systems are not practical. Accordingly, it is the policy of the City to approve grinder pump systems on a discretionary case-by-case basis. In order to implement a grinder pump system, a developer or individual homeowner must prove to the City that a grinder pump system is the only viable option other than a conventional sanitary sewer system.

2. **INSTALLATION:** A permit for a private wastewater treatment facility employing a grinder pump system shall not be issued until the design and installation is completed to the satisfaction of the Building Commissioner. The Building Commissioner or his designee shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Commissioner when the grinder pump system is ready for final inspection, and before any underground portions are covered.
3. **OPERATION AND MAINTENANCE:** In addition, the Coordinator shall be entitled to inspect the grinder pump system if he has any reason to believe that the grinder pump system is not operating properly or pursuant to a routine inspection protocol developed by the Coordinator. Should the grinder pump system fall into disrepair or otherwise need maintenance as determined by the City, and the owner refuses to repair, replace or otherwise fix the grinder pump system to the specifications of the City, the City may do so at its own expense and obtain reimbursement from the individual owner. In that regard, and as a condition of obtaining a City permit for a grinder pump system, the individual owner shall enter into a contractual agreement indemnifying the City for any costs the City may incur with regard to maintaining the grinder pump system, and further allow the City reasonable access to the grinder pump system for inspection purposes.

H. The type, capacities, location and layout of a private wastewater treatment facility employing subsurface absorption facilities shall comply with the most recent regulations and provisions of the McHenry Health Department. No permit shall be issued for any private wastewater treatment facility employing subsurface soil absorption facilities where the area of the lot is less than 22,800 square feet. No septic tank shall be permitted to discharge to any public sewer or water course.

I. At such time as a public sewer becomes available to the property served by a private wastewater treatment facility, a direct connection shall be made to the public sewer in compliance with this Chapter 25, and any septic tanks, cesspools and similar private facilities shall be abandoned in accordance with the City standards.

J. The owner shall operate and maintain the private wastewater treatment facility in a sanitary manner at all times and at no expense to the City.

## **25.34 CONNECTIONS TO THE WASTEWATER FACILITIES**

A. APPLICATION: No person shall construct a new wastewater source and connect same to the wastewater facilities of the City without first making application to the Coordinator for the privilege of making said connection and to have a written permit approved by the Coordinator and to pay all fees.

B. PERMIT REQUIREMENTS: Persons desiring to construct a new waste source and connect same to the wastewater facilities of the City shall, in addition to making application, state the quantity, quality and rate of discharge of the wastewater to be discharged into the sewer. In the case of any fraudulent representation on the part of the user, the payment will be forfeited and the use of the sewer stopped.

No permit will be issued until the permittee:

1. Pays the connection fee as prescribed in this Section 25.34.
2. Secures a street opening permit if required in conformance with the provisions of Chapter 6.
3. Agrees to pay all costs of the installation including the connection to the public sewer, if required.
4. Agrees to give the Coordinator 24 hours notice prior to the start of any underground piping and when the underground piping will be ready for inspection, except that no inspections will be made at times other than during regular City working hours.
5. Agrees that the materials used and the method of installation shall be in conformance with specifications established by the City Engineer.
6. Agrees to pay all inspection costs if such inspection is deemed necessary by the Coordinator.
7. Agrees to conform to all rules governing plumbers and to the regulations of the Illinois State Plumbing Code.
8. Agrees to secure and protect the City from any liability or damage whatsoever for injury, including death, to any person or property and files with the Coordinator liability insurance certificates.
9. Secures an IEPA permit if the wastewater:
  - (a) Is domestic and the volume to be discharged is more than 1,500 gallons per day (gpd).
  - (b) Is industrial.

10. Secures a building permit if new waste source is new equipment to be installed within an existing building.
11. Agrees to conform to all applicable sections of this Code.

C. CONNECTION, USER FEES: The fees for constructing a new wastewater source and connecting same to the wastewater facilities of the City are found in Exhibit A of Chapter 24 of this Code. For uses involving extra strength wastewater:

1. For wastewater the strength of which exceeds normal domestic wastewater in any constituent, if allowed by the City Council, there shall be charged a surcharge computed at the time that connection is requested.
2. Where the volume and strength of the wastewater to be discharged to the public sanitary sewers is not known at the time of the connection, the fee shall be estimated and adjusted to reflect actual conditions during the billing period just prior to a full year of operation.
3. The volume and strength of the wastewater for fee purposes shall be the maximum daily discharge of constituents.
4. Where a connection is made based on the applicant's statement that the strength of the wastewater does not exceed normal domestic wastewater in any constituent, and at the end of the billing period just prior to a full year of operation it is determined that the wastewater does exceed domestic wastewater in strength, the City Council may accept or reject the wastes.

The tapping fee for any use not located within the corporate limits of the City shall be three times the applicable tapping fee listed in Exhibit A of Chapter 24 of this Code.

D. No connection will be allowed to the wastewater facilities if the City Council determines:

1. That the wastewater facilities have inadequate treatment or delivery capacity.
2. That the wastewater contains incompatible wastes in excess of that allowed by this Code.
3. That the wastewater contains inadmissible substances.
4. That the strength, volume or rate of discharge of a compatible waste from a single source or class of users alters substantially the operation of the wastewater facilities.

## **25.35 BUILDING SEWERS**

A. **SEPARATE SEWERS REQUIRED:** A separate and independent building sewer shall be provided for each dwelling unit of a building (i.e., single family dwelling, townhouse, duplex, apartment), except 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building.

B. **OLD SEWERS:** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Coordinator, to meet all requirements of a new building sewer.

C. **LOCATION:** Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall. No building sewers shall be installed in any place where they may be subject to freezing temperatures unless adequate provisions are made to protect them from frost. Changes in direction shall be made only with properly curbed pipe and fittings, or a manhole, as determined by the Coordinator.

D. **LIFT STATION:** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

E. **PERMIT REQUIRED:** No addition to or alteration of any building sewer shall be made or caused to be made by any person without a permit from the Coordinator and then only through a State of Illinois licensed plumber. No permit shall authorize anything not explicitly stated in the application.

F. **MAINTENANCE OF BUILDING SEWER:** Persons connected to the sanitary sewer system through a building sewer shall maintain said building sewer in good repair, protect it from damage in any manner and prevent the entrance of uncontaminated waters. If the user fails to properly maintain the building sewer the Coordinator shall have the authority to enter onto the property to maintain the sewer and add the cost of said maintenance on the next sewer use bill or terminate the service until proper maintenance is completed.

G. **INSPECTION MANHOLE:** All industrial users and such other users, except domestic users, as may be determined by the Coordinator, shall install an inspection manhole on the building sewer. Said manhole shall be located conveniently in the public right-of-way or easement. The manhole shall be a minimum of 48 inches in diameter and shall be equipped with such measuring and sampling equipment as may be required by the Coordinator.

H. **CLEAN OUT:** The clean out pipe for a residential property shall be 10 feet from the building.

### **25.36 WASTES ADMISSIBLE TO THE WASTEWATER FACILITIES**

The following wastes are admissible to the wastewater facilities of the City:

1. Any compatible pollutant except that the strength, volume and rate of flow of the waste may be regulated.
2. Any incompatible pollutant which is identified in the NPDES permit received by the City except that the total from all sources may not exceed the amount allowed under the NPDES permit.
3. Any incompatible pollutant for which an effluent standard has been established by the IEPA or promulgated by authority of the Act provided that:
  - a. The aggregate total from all sources shall not exceed the total allowable to the wastewater treatment facilities based on the average dry weather flow. It is assumed that there will be no removal of the incompatible waste in the treatment facilities.
  - b. The concentration of the incompatible waste discharged from any source shall not exceed two times the concentration allowed in the wastewater treatment facility effluent.
  - c. The concentration of the incompatible waste in the wastewater treatment facility shall not exceed the maximum allowed by the IEPA.
  - d. The concentration of the incompatible waste will not adversely affect the stream standards established for the Kishwaukee River.
4. Cooling water or other uncontaminated industrial process water.
5. The City may from time to time establish maximum concentrations of various pollutants in the wastewater treatment facility effluent.

### **25.37 WASTES INADMISSIBLE TO THE WASTEWATER FACILITIES**

The following wastes shall not be introduced into the wastewater facilities of the City:

1. Wastes which interfere with the operation of the wastewater facilities.
2. Any cyanide or cyanogen compound unless an IEPA permit has been received by the City.
3. Mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time.

4. Storm water, surface water, ground water, roof runoff and subsurface drainage.
5. Uncontaminated cooling water or unpolluted industrial process waters.
6. Wastes which may create a fire or explosion hazard in the wastewater facilities.
7. Wastes which will cause corrosive structural damage to the wastewater facilities.
8. Wastes with pH lower than 6.0 or higher than 9.0.
9. Solid or viscous wastes in amounts which would cause obstructions to flow in sewers or other interference with the proper operation of the wastewater facilities.
10. Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency. Provided, however, that concentration of any given constituent or in quantity of flow shall not exceed five times the average 24 hour concentration or flows during normal operation for any period exceeding 15 minutes.
11. Any incompatible waste except as admissible in Section 25.36.
12. Any compatible waste, the strength of which exceeds normal domestic wastewater in any constituent except as permitted by the City Council.
13. Any waste containing more than 100 mg/l of fats, oils or grease.
14. Any garbage that has not been property shredded. The discharge of garbage into the wastewater facilities by any user except a domestic user shall be subject to review by the City Council and may be rejected if it determines there is inadequate treatment capacity available.
15. Any liquid having a temperature higher than 150 degrees Fahrenheit.
16. Any wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits established by the City Council.
17. Any wastes which will cause discoloration such as, but not limited to, dye wastes or printing inks.
18. Any wastes which alone or in combination with other wastes will cause the violation of any effluent or stream standards established by the IEPA or by authority of the Act.

**25.38 GREASE, OIL AND SAND INTERCEPTORS** *Amended, 05-11-4*

- A. **INSTALLATION:** In order to help prevent sewer blockages and image to the

Wastewater Treatment Plant caused by fats, oils and grease, a grease interceptor (trap) shall be installed at any establishment which disposes of fats, oil or grease (FOG). Grease traps shall be installed at any new, altered or existing establishment that disposes of FOG. Each grease trap shall be properly maintained at no cost to the City.

B. **SIZE AND MAINTENANCE:** A grease trap installed on the same floor as the fixture shall have a minimum one-half the liquid holding capacity of the fixture. A grease trap located on a floor below the fixture shall have at least 60 percent of the liquid holding capacity of the fixture. Where two or more sinks or receptacles are connected to an interceptor, the liquid holding capacity shall be based on the combined volume of the fixtures served. To determine the liquid holding capacity in gallons of a plumbing fixture, multiply the length by the width by the height in inches and divide by 231. Each grease trap shall be located so that it may be readily cleaned and inspected. Should the trap be located outside of the establishment, proper maintenance and cleaning will be necessary. Water-cooled traps are not permitted.

C. **INSPECTION:** The City shall inspect facilities with a grease trap a minimum of once per year. Additional inspections may take place if it is deemed necessary by the City, such as in the case of sewer blockages, to ascertain whether the purpose of this Section is being met and all requirements are complied with. Occupants of the premises containing a grease trap shall allow the City, or its representative, ready access upon presentation of credentials at reasonable times to all parts of said premises for the purpose of inspection, sampling, examination and photocopying of records to be kept as required herein. During the inspections the following shall be verified:

1. The maintenance and frequency of fats, oils and grease removal is done in an appropriate and timely manner. The trap must be cleaned and grease removed on a schedule (not more than 90 days) that will prevent grease from passing through the trap and into the public sewer system.
2. The trap is in sound operating condition, or in need of replacement.
3. No grease additives are being used in compliance with Section 25.27, Wastes Inadmissible to the Wastewater Facilities, of this Code.
4. Each facility shall maintain a record of grease trap cleaning and maintenance. This shall include the date of cleaning, as well as the signature of a supervisor of the facility. In the case grease trap cleaning is done by an outside agency, receipts of such service from that agency shall be kept on file.

D. **PERMITS:** Each facility that maintains a grease trap shall have a City permit, which shall be renewed annually at a fee of \$75.00. Permits shall be issued and fees collected by the City of Marengo Water Department. Within 30 days after the effective date of this Section (December 26, 2005) those establishments with a grease trap must obtain a City permit. All non-profit establishments, private and public schools, churches, public and governmental facilities, fraternal organizations and bonafide tax exempt entities pursuant to IRS 501C3, shall have their

fee waived. However, those establishments and organizations are required to possess a permit and are subject to inspections.

## **25.39            PRETREATMENT**

A.     Any user discharging or proposing to discharge any wastewater into the wastewater facilities of the City which contain substances or possess the characteristics enumerated in Section 25.37 herein and/or which are in violation of the standards established by the IEPA or USEPA shall provide pretreatment of the wastewater to an acceptable condition for discharge to the wastewater facilities. All required permits shall be filed with the Coordinator prior to the start of constructing pretreatment facilities.

B.     Any user discharging or proposing to discharge a compatible waste, the strength of which exceeds normal domestic waste in any constituent, shall install a pretreatment facility if required by the Coordinator. If pretreatment is required it shall apply uniformly to all users within the industry number.

C.     Any user proposing to construct a pretreatment facility shall have the plans and specifications approved in writing by the City Engineer and an IEPA permit prior to receiving a permit by the City.

D.     Any user proposing to operate a pretreatment facility shall comply with all requirements of the IEPA and shall submit such operating data as may be required by the City.

## **25.40            USER CHARGE**

A.     POLICY: It is hereby declared that the policy of the City is:

1.     The City shall adhere to the requirements of Title 40, Protection of the Environment, Chapter 1, Environmental Protection Agency, Subchapter B, Grants, Part 35, State and Local Assistance, Final Grant Regulations, effective February 11, 1974 and all subsequent enactments and regulations issued pursuant to the Federal Water Pollution Control Act of 1972.
2.     No funds for the operation and maintenance of the wastewater facilities shall be derived from the use of an ad valorem tax.
3.     No charge will be made for any inadmissible waste.
4.     Where the removal of any constituent is incidental to the treatment process no charge will be made for that constituent.
5.     All wastes, the strength of which does not exceed normal domestic waste in any constituent, shall, for billing purposes, be considered to be normal domestic wastes. User charges for normal domestic wastes shall be based on flow alone.

6. Charges for extra strength wastes shall be expressed in dollars per pound of constituent in excess of normal domestic wastewater.

B. **COST OF OPERATION AND MAINTENANCE:** The cost of operation and maintenance shall be computed as follows:

1. Estimate projected annual revenue required to operate and maintain the wastewater facilities for the next fiscal year.
2. Proportion the estimated costs to wastewater facility categories by volume, BOD and SS.
3. Estimate wastewater volume to be billed. Said volume shall be a total of:
  - (a) Water meter readings;
  - (b) Estimated use for users not using the City water facilities; and
  - (c) Flow meter readings.

C. **SUMMARY OF USERS:** Annually concurrently with the determination of the cost of operation and maintenance the City shall make a summary of all users. Said summary shall include a summary of all domestic users with a breakdown as to whether City or private water supply is used, a summary of commercial users listing all such users discharging industrial wastes and/or subject to a surcharge and a summary of all industry listing all such users discharging industrial wastes and/or subject to a surcharge. Where a user discharges industrial wastes and/or is subject to a surcharge an estimate of the volume and strength of said wastewater shall be made.

D. **SURCHARGE:** A surcharge will be levied to all users whose wastes exceed the concentration for BOD or SS in normal domestic wastewater. The surcharge shall be expressed as dollars per pound of each constituent (BOD or SS).

Per billing cycle the number of pounds of each constituent from each user subject to a surcharge shall be computed as follows:

$$\text{BOD (pounds)} = (\text{Average analysis per billing cycle in mg/l} - 200) \times \text{total flow (MG)} \times 8.34$$

$$\text{SS (pounds)} = (\text{Average analysis per billing cycle in mg/l} - 200) \times \text{total flow (MG)} \times 8.34$$

Total flow for the billing cycle shall be either water meter or flow meter readings and shall be expressed in million gallons (MG).

The surcharge shall be the pounds of each constituent per billing period times the unit cost for each constituent.

Annually the City shall list all users expected to be billed a surcharge for the coming year and the total amount expected to be received from surcharges.

E. **USER CHARGE:** Annually and such other times as the City Council shall deem necessary the user charge shall be determined by dividing the estimated amount of revenue required for the operation and maintenance for the next fiscal year less the estimated amount of revenue to be received from surcharges by the estimated volume of wastewater to be billed to all users for the next fiscal year expressed on 1,000 gallon units. The resultant charge shall be expressed in dollars per 1,000 gallons.

**25.41 DEBT SERVICE AND OTHER COSTS**

Annually and at such other times as the City Council deems necessary, the rates for debt service and other cost shall be computed as follows:

1. The debt service charge shall be computed by dividing the annual debt service by the estimated amount of wastewater to be billed for the next fiscal year, expressed in 1,000 gallon units. The resultant charge shall be expressed in dollars per thousand gallons.
2. When deemed necessary the City Council may declare a rate to provide funds for such other costs as may be applicable to the wastewater facilities. Such a rate shall be based on volume of wastewater billed only and shall be applicable to all users.

**25.42 WASTEWATER SERVICE CHARGE** *Amended, 18-6-2, 16-5-2, 15-6-1, 14-3-3, 11-8-2, 08-4-1, 07-3-6, 05-3-1, 04-2-1, 01-8-5*

There shall be and there are hereby established rates or charges for the use of and for the service supplied by the wastewater facilities of the City, for meter readings taken after June 1, 2018, based on the amount of wastewater discharged into the wastewater facilities plus a surcharge for the wastewater, the strength of which exceeds normal domestic wastewater. The rate shall be re-computed annually and shall provide adequate funds for the operation and maintenance of the facilities, hereinafter referred to as the user charge, the cost of any bond debt of such facilities and such other costs as may be deemed necessary by the City Council.

<b>Billing rates are as follows:</b>	<b>Effective for meter readings taken 6/1/2018</b>
For users <b>within</b> the City with metered City Water	
per 1,000 gallons of water used per quarter:	\$8.75

Debt service charge per quarter: Residential:	\$17.80
Non-Residential: <50,000 gallons of usage per quarter	\$43.22
Non-Residential: >50,000 gallons of usage per quarter	\$68.65
For non-metered users <b>within</b> the City*	
Basic user charge	\$148.69
Debt service charge per quarter: Residential:	\$17.80
Non-Residential:	\$68.65
*For users <b>outside</b> the corporate limits of the City, the rate, if service is allowed under this category, shall be based on the amount of water consumed, as shown by water meters	
Per 1,000 gallons of water used per quarter	\$13.12
Debt service charge per quarter Residential:	\$26.70
Non-Residential:	To be negotiated
Non-metered users <b>outside</b> the City:	
Residential & Non-Residential Charge	To be negotiated
*In the event usage of the wastewater facilities is determined to exceed 20,000 gallons per quarter, the City may require the installation of metering devices on the water supply or sewer to measure the amount of	

**25.43 WATER, SANITARY SEWER AND STORM SEWER USES OUTSIDE OF THE CORPORATE LIMITS OF THE CITY**

No permit shall be issued for the tapping into or use of any water main or sanitary sewer or storm sewer facility under the jurisdiction of the City for any location outside of the corporate limits of the City until the person or user executes a perpetual, binding agreement to comply with and be governed by all applicable sections of Chapters 25, 26, 27 and 28 of this Code.

**25.44 WATER, SANITARY SEWER AND STORM SEWER USES FOR AUTOMOBILE SERVICE, REPAIR AND FUEL DISPENSING PROPERTIES**

A. DISCHARGE MONITORING: Inspection manholes in sanitary sewers as required by Section 25.35-G shall be capable of being equipped with continuous 24-hour composite sampling equipment meeting the requirements of Section 25.18-C. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, all sanitary sewers serving non-domestic uses shall include such monitoring throughout the year in a manner secured and coordinated by the Coordinator. Additionally, any

property involved in the repair or servicing of automobiles, trucks or engine-powered equipment shall install a triple basin oil separator in the sanitary line servicing the repair area of the building. This system shall be cleaned, serviced and inspected at least twice per year.

B. **STORMWATER HANDLING AND DETENTION:** Stormwater handling shall be in accordance with this Code and when the property use is associated with automotive repair or handling, sale or dispensing of petroleum products and/or automotive fluids, there shall be a separate drainage system constructed to collect all fluids from the areas associated with pump islands and under pump canopies. This separate drainage system shall collect these fluids and hold them in a separate sealed tank for testing and removal by approved special waste handling methods. Stormwater conductors or downspouts that drain the canopy roof shall be discharged via hard piping directly to the on-site storm sewer system. Downspouts shall not be allowed to discharge across the surface of the fueling area and/or parking lot. All fuel dispensing equipment, storage tanks, secondary containment structures, monitoring wells, leak detection equipment, piping and venting shall be installed in accordance with the standards listed below:

1. *Guidance Manual for LUST Cleanups in Illinois*, September 1989; and *Leaking Underground Storage Tank Manual*, September 1991; both published by the IEPA, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276.
2. *Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100*, 1994; published by Petroleum Equipment Institute, P.O. Box 2380, Tulsa, OK 74101.
3. *Flammable and Combustible Liquid Code*, NFPA/30, 1993; *Automotive and Marine Services Station Code*, NFPA/30A, 1993; *National Electric Code*, NFPA/70, 1993; and *Underground Leakage of Flammable and Combustible Liquids*, NFPA/329, 1992; all published by National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.
4. *Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules*, 40 CFR Parts 280 and 281, Part II, Federal Register, Friday September 23, 1988; and *Musts for UST's: A Summary of the New Regulations for Underground Storage Tank Systems, and Hazardous Waste Management Standards*, Federal Register, July 14, 1986, both published by USEPA, Office of Underground Storage Tanks, 401 M Street, S.W., Washington, DC 20460.
5. *Rules of the Illinois State Fire Marshall*, Part 170 & 180, Title 41, Chapter 1, State of Illinois, Office of the Fire Marshall, 1035 Stevenson Parkway, Springfield, IL 62703.

C. **JURISDICTION:**

1. These requirements shall be met by any property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, where any water main, wastewater or storm-water facility is under the jurisdiction of the City, regardless of whether or not such property lies within the corporate limits of the City.
2. The requirements of this Subsection 25.45-C shall not be applied to existing property uses except that whenever a permit shall be required for new construction or reconstruction of a property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids involving placement, replacement, reconfiguration, removal or modification of any fueling area, compliance with the provisions of this Section 25.45 shall be required.

#### **25.45            LIMITATIONS ON DISCHARGE OF WASTEWATER**

In case of making repairs or alterations or constructing new facilities or for any other reason, the Mayor and City Council reserves the right to limit the discharge of wastewater to the wastewater facilities for as long as may be necessary by giving such reasonable notice thereof as shall be practical to the user. No claim shall be made against the City by reason of the above or by reason of the breakage or failure of any portion of the wastewater facilities.

#### **25.46            SURCHARGE FOR ILLEGAL CONNECTIONS OR UNINSPECTED PROPERTY**

A.     **SEWER SURCHARGE:** The Building Commissioner is authorized and directed to inspect any and all facilities, including businesses, residences and any other permanent structures with City sewer service for purposes of determining compliance with federal grant application standards, which are specifically incorporated herein, or illegal connections whereby excessive storm runoff water is diverted into the sanitary sewer. If the Building Commissioner is unable to acquire access to any business, residence or other structure within the City, or finds a violation of the federal grant application standards or an illegal connection, the Building Commissioner shall notify the Utility Billing Clerk who shall levy a surcharge of \$80 per quarter on any water or sewer bills for said premises. Said surcharge shall be a provisional charge for 90 days after it is first billed. If, within said 90-day period, the owner brings the business, residence or other structure into compliance and is inspected by the City or a licensed civil engineer, at the owner's expense, the surcharge will be removed. If there is not compliance within 90 days the \$80 surcharge will be levied each quarter until compliance.

B.     **WAIVER OF SEWER SURCHARGE:** The sewer surcharge shall be removed from charges for water use only that meets the following criteria:

1.     The water is conducted from the main to the ultimate user through a separate water line installed at the expense of the user, including a separate hookup fee;

2. All such water is measured through a separate meter;
3. Substantially all of the water is utilized to maintain public grounds or private grounds having a contiguous area not less than one acre which support natural vegetation and which are maintained; and
4. The user has obtained a permit from the City Council for waiver of the sewer surcharge.

**25.47 WELL SETBACK ZONE** *Amended, 05-11-4*

A. The use or attempt to use a potable water supply, groundwater from an area within a 2,500-foot radius of 536 N. State Street, 600 N. State Street and 602 N. State Street, by the installation or drilling of wells or by any other method is hereby prohibited, except at points of withdrawal by the City. The continued use of wells within this radius shall not be prohibited so long as they are in operation on the effective date of this Section 25.47 (August 25, 2000). Only the installation of new wells within said radius from the effective date of this Section 25.47 forward shall be required to be in compliance.

B. Pursuant to the authority conferred by 415ILCS 5/14.1 *et seq.*, and except as provided herein, no person shall place a new potential primary source, new potential secondary source or new potential route within the minimum setback zone of Well No. 8, 107 Lynn Drive, IEPA #1110650; Well No.7, Greenlee and N. Lynn Drive, IEPA #00849; and Well No. 6, Greenlee and Prospect, IEPA #20193.

C. Pursuant to the authority conferred by 415 ILCS 5.14.1 *et seq.*, and except as provided herein, no person shall place a new potential primary source within the maximum setback zone of Well No. 8, 107 Lynn Drive, IEPA #1110650; Well No. 7, Greenlee and N. Lynn Drive, IEPA #00849; and Well No. 6, Greenlee and Prospect, IEPA #20193.

D. **WAIVER, EXCEPTIONS AND CERTIFICATIONS OF MINIMAL HAZARD:** Waivers, exceptions and certifications of minimal hazard shall be pursuant to 415 ILCS 5/14.2

**25.48 CPI ADJUSTMENT** *Amended 18-6-2, 06-5-3*

All potable water and sanitary sewer connection fees and charges shall be subject to an annual "CPI Adjustment" which shall be applied for meter readings taken after March 1<sup>st</sup> of each year starting in 2019. Annually, the fees shall be adjusted by the December-December Percent change as published by the United States Department of Labor's Bureau of Labor Statistics, All Items Consumer Price Index ("CPI") for All Urban Consumers (1982-84 = 100) for the Chicago-Naperville-Elgin, Ill-Ind-Wisc Statistical Area, Illinois. If any index is calculated from a base different from the base period 1982-84 = 100, such index shall be converted to a base period of 1982-84 = 100 by use of a conversion factor supplied by said Bureau of Labor Statistics. If the CPI is discontinued or replaced, such other governmental Cost of Living Index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced. The annual CPI adjustment shall be a minimum of 1% and a maximum of 3% in the event the CPI is less than 1% or greater than 3%

respectively.

**25.49**            **PENALTIES** *Amended, 05-11-4*

A.        Any facility responsible for violating Section 25.38 herein for sewer blockage shall be responsible for the cost of damages done to affected properties plus any and all related costs for remediation, restitution and litigation. Violation of Section 25.48 shall result in a fine of not less than \$100, nor more than \$1,000 per day plus all cost related to remediation, restitution and prosecution, including but not limited to filing fees, witness fees and attorneys' fee and will be subject to disconnection of water service. Each day in which a violation occurs or continues, shall be deemed a separate and distinct offense.

B.        Unless another penalty is specifically provided by this Chapter 25 for the violation of any particular section hereof, any person violating any provision of this Chapter or any rule or regulation adopted or issued in pursuance hereof, or any lawful order made by a City official hereunder, shall, upon conviction, be subject to a fine of not less than \$50, nor more than \$1,000, plus all cost related to remediation, restitution and prosecution, including but no limited to filing fees, witness fees and attorneys' fees.

**EXHIBIT A**  
**CHAPTER 25 DEFINITIONS**

**Act:** The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and P.L. 93-243. All rules and regulations promulgated under authority of the act are made part of this Chapter 25 by reference.

**Average Dry Weather Flow:** The average daily flow for the lowest three month period in the previous calendar year.

**Average Wet Weather Flow:** The average daily flow for the highest month in the previous calendar year.

**Building Drain:** That part of the lowest piping of a drainage system which receives the discharge from the soil, wastes and other drainage pipes inside the walls of a building and conveys it to the building sewer or other approved point of discharge, beginning five feet outside the inner face of the building wall.

**Building Sewer:** The extension of the building drain to the public sewer or other place of disposal.

**BOD:** (Biochemical Oxygen Demand) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in milligrams per liter.

**Combined Sewer:** A sewer intended to receive both wastewater and storm or surface water.

**Compatible Pollutant:** Biochemical oxygen demand, suspended solids, fecal coliform bacteria, compounds, plus additional pollutants identified in the NPDES permit issued to the City.

**Coordinator:** Coordinator of Public Works or designee.

**Department:** The combined water and wastewater department of the City.

**Domestic Wastes, Domestic Wastewater or Sanitary Wastes:** Wastewater derived principally from dwellings but also includes all wastewater derived from plumbing fixtures located in commercial or industrial users.

**Domestic or Residential User:** Any user of the wastewater facilities not classed as an industrial user.

**Dwelling or Residential Dwelling Unit:** A unit designed for occupancy by one family. It may be a house designed for the exclusive use of one family or it may be a portion of a building designed and intended to be used by one family.

**Estimated Flow From Domestic Users:** The estimated wastewater flow from single family dwellings where private water systems are used. For the purpose of Chapter 25 the contribution per dwelling unit shall be 350 gallons per day.

**Easement:** An acquired legal right for a specific use of land owned by others.

**Garbage:** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**IEPA:** (Illinois Environmental Protection Agency) All rules and regulations established by the IEPA are made a part of this Chapter 25 by reference.

**Incidental removal or incidental to:** The removal of a constituent for which no capital or operating or maintenance costs are expended.

**Incompatible Pollutant:** Any pollutant which is not a compatible pollutant.

**Industrial User:** Any non-governmental user of the wastewater treatment facilities identified in the S.I.C. Manual under the following divisions:

- A. Division A: Agriculture, Forestry and Fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, Communications, Electric, Gas and Sanitary Services.
- E. Division I: Services.

The user in the divisions listed may be excluded if it is determined by the City that it will introduce primary segregated domestic wastes or wastes from plumbing fixtures.

**Industrial Wastes or Industrial Wastewater:** The liquid wastes from industrial processes, as distinct from domestic or sanitary wastes.

**Liability:** Whenever reference is made to “secure and protect the City from any liability or damage” it shall include all authorized employees and agents of the City as well as the elected and appointed officials.

**Inspection Manhole:** A 48-inch diameter or larger manhole, installed on a user’s property which is continuously accessible to the Department for inspection or sampling.

**Major Contributing Industry:** An industrial user of the wastewater treatment facilities of the City that:

- A. Has a flow of 50,000 gallons or more per average work day.
- B. Has a flow greater than 10 percent of the average dry weather flow.
- C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act.
- D. If found by the permit issuance authority, in connection with the issuance of an 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.

**Maximum Wet Weather Flow:** The average daily flow for the maximum week in the month used to determine the average wet weather flow.

**New Wastewater Source:** Any source constructed after the adoption of Chapter 25. For the purposes of Chapter 25 additions to a dwelling unit shall not be considered a new source.

**Normal Domestic Wastewater:** For the purposes of Chapter 25 normal domestic wastewater shall contain the following constituents at the strengths indicated:

BOD:	200 mg/l
SS:	240 mg/l

**NPDES:** (National Pollutant Discharge Elimination System) A permit or equivalent document or requirements issued by the Administrator or, where appropriate, by the IEPA, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.

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

**pH:** The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**P:** Phosphorus or phosphorus compounds.

**Plumbing Fixture:** Any device or equipment normally located in a dwelling unit from which wastewater is discharged.

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

**Pretreatment:** The treatment of wastewater from sources before introduction into the wastewater facilities.

**Properly Shredded Garbage:** 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 in any dimension.

**Public Sewer:** A common sewer owned by the City.

**Replacement:** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment facilities for which such facilities were designed and constructed. The term “operation and maintenance” includes replacement.

**Sanitary Sewer:** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

**Service Life:** The period of time during which a component of the facilities will be capable of performing a function.

**S.I.C. Manual:** The Standard Industrial Classification Manual, 1972, Executive Office of the President, Office Management and Budget.

**Substantial Removal:** In general means the removal of at least 80 percent.

**SS:** (denoting suspended solids) Solids that either float on the surface of, or are in suspension of water, sewage or other liquids; and which are removable by laboratory filtering.

**Unit of Flow:** A unit of flow for billing purposes shall be 1,000 gallons.

**USEPA:** The United State Environmental Protection Agency.

**User:** Any person or persons making connection to water and/or wastewater facilities of the City. Where a single meter serves multiple users or residential units, each use or residential unit is considered a user for the purpose of computing fees and charges, except for administrative fees, which shall be paid based on the number of meters.

**Wastewater:** The spent water of the community. From the standpoint of source, 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 storm water that may be present.

**Wastewater Facilities:** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes, and dispose of the effluent.

**Water and Wastewater Service Charge:** A charge for the use of and the service supplied by

the water and wastewater facilities of the City. The service charge shall consist of the user charge, the cost of any bond debt of such facilities and such other costs as may be deemed necessary by the City.

**Wastewater source or waste source:** Any installation, process or equipment from which there is or may be a discharge of pollutants.

**Wastewater Treatment Facilities:** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

**Water Course:**

- A. A natural or artificial channel for passage of water.
- B. A running stream of water.
- C. A natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) in a definite channel having a bed or banks and usually discharging into some other stream or body of water.

**Water Facilities:** The structures, equipment and processes required to collect, pump, treat and distribute water to the users.