

CHAPTER 21

COMBINED WATERWORKS AND SEWAGE SYSTEM

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ARTICLE I. ESTABLISHMENT OF COMBINED SYSTEM

Sec. 21.1 Combined System

- a. That it is hereby found, determined and declared necessary for the best interests of this Village that the existing waterworks system of said Village and said sanitary system be combined into a single utility to be known and designated as “the combined waterworks and sewage system of the Village of Brimfield.”

- b. That all property, real, personal, and mixed comprising the waterworks system as of April 1, 1963, and the sanitary sewage system of said Village as in the preamble to “An Ordinance providing for the combination of the existing waterworks systems and sanitary sewage system of the Village of Brimfield, Peoria County, Illinois, into a combined waterworks and sewage system” adopted April 1, 1963, be and the same is hereby found, determined and declared to constitute the properties of the combined waterworks and sewage system of the Village.

- c. That from and after April 1, 1963, said existing waterworks system and said sanitary sewage system shall be owed and operated by this Village as a combined utility, known as “the combined waterworks and sewage system” of said Village, and all improvements and extensions to said waterworks or sewer systems, either or both, shall be considered as improvements and extensions to said combined utility; and all the properties, assets, obligations and liabilities, of all kinds, of said waterworks system and of said sanitary sewage system, existing, outstanding and accruing or to accrue, shall be held, used, confessed or acknowledged as the properties, assets, obligations and liabilities of said combined utility.

Sec. 21.2 – 21.9 Reserved

ARTICLE II. DEFINITIONS

Sec. 21.10 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

a. Federal Government

- (1) *Federal Act* means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L.92-500) and (Pub. L.93-243).
- (2) *Administrator* means the Administrator of the U.S. Environmental Protection Agency.
- (3) *Federal Grant* shall mean the U.S. Government participation in the financing of the construction of treatment works as provided for by Title II Grants for Construction of Treatment Works of the Act and implementing regulations.

b. State Government

- (1) *State Act* means the Illinois Anti-Pollution Bond Act of 1970.
- (2) *Director* means the Director of the Illinois Environmental Protection Agency.
- (3) *State Grant* shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

c. Local Government

- (1) *Ordinance* means this Chapter.
- (2) *Village Board* means the Village Board of Brimfield.
- (3) *Superintendent* shall mean the Superintendent of Public Works of the Village of Brimfield, or his/her authorized deputy, agent or representative.

d. Person

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

e. NPDES Permit

NPDES Permit means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

f. Clarification of the word “Usage”

Shall is mandatory; may is permissible.

g. Wastewater and its Characteristics

- (1) *Wastewater* shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- (2) *Sewage* is used interchangeably with *Wastewater*.
- (3) *Effluent Criteria* are defined in any applicable *NPDES Permit*.
- (4) *Water Quality Standards* are defined in the Water Pollution Regulations of Illinois.
- (5) *Unpolluted Water* is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (6) *ppm* shall mean parts per million by weight.
- (7) *Milligrams per liter* shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
- (8) *Suspended Solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods”.
- (9) *BOD* (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

- (10) *pH* shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in “Standard Methods”.
- (11) *Standard Methods* shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater” published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (12) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (13) *Properly Shredded Garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (14) *Floatable Oil* is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (15) *Population Equivalent* is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.
- (16) *Slug* shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (17) *Industrial Waste* shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.
- (18) *Major Contributing Industry* shall mean an industrial user of the publicly owned treatment works that:
 - (a) Has a flow of 50,000 gallons or more per average work day; or
 - (b) Has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or

- (c) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (d) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

h. Sewer Types and Appurtenances

- (1) *Sewer* shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- (2) *Public Sewer* shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system even though those sewers may not have been constructed with Village funds.
- (3) *Sanitary Sewer* shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.
- (4) *Storm Sewer* shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- (5) *Combined Sewer* shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.
- (6) *Building Sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- (7) *Building Drain* shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (8) *Storm Water Runoff* shall mean that portion of the precipitation that is drained into the sewers.
- (9) *Saddle* shall mean a sewer connection device designed for use when tapping an existing main.
- (10) *Sewerage* shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

- (11) *Easement* shall mean an acquired legal right for the specific use of land owned by others.
- i. Treatment
- (1) *Pretreatment* shall mean the treatment of waste waters from sources before introduction into the wastewater treatment works.
- (2) *Wastewater Treatment Works* shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant”.
- (3) *Wastewater Facilities* shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.
- j. Watercourse and Connections
- (1) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (2) *Natural Outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- k. User Types
- (1) *User Class* shall mean the type of user either “residential or commercial” (non-industrial) or “industrial” as defined herein.
- (2) *Residential or Commercial or Non-Industrial* user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Section.
- (3) *Industrial User* shall mean any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, 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

A user in the Division listed may be excluded if it is determined by the Village Board that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

l. Control Manhole

Control Manhole shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a “control manhole” is to provide access for the Village representative to sample and/or measure discharges.

m. Water Mains and Appurtenances

(1) *Water main* shall mean a pipe or conduit for carrying water.

(2) *Water Service Pipe* shall mean the pipe extending from a building to a water main.

n. Types of Charges

(1) *Wastewater Service Charge* shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Article X of this Chapter and shall consist of the total of the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

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

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

(4) *Debt Service Charge* shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to Wastewater Facilities.

(5) *Surcharge* shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in this Chapter.

(6) *Replacement* shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the

treatment works to maintain the capacity and performance for which such works were designed and constructed. The term *operation and maintenance* includes replacement.

- (7) *Useful Life* shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be 20 years from the date of startup of any wastewater facilities constructed with a State grant.
- (8) *Sewerage Fund* is the principal accounting designation for all revenues received in the operation of the sewerage system.

Sec. 21.11 – 21.19 Reserved

ARTICLE III. WATER WORKS AND SEWERAGE DEPARTMENT

Sec. 21.20 Water Works and Sewerage Department

The combined waterworks and sewerage system in the Village of Brimfield, Illinois shall be maintained and operated as a separate department and hereinafter in this Chapter shall be referred to as the Department.

Sec. 21.21 Charges – Rates

A charge shall be made to the residents of said Village which shall be reasonable for the use and service of such waterworks and sewerage system as may be determined from time to time by ordinance adopted by said Village.

Sec. 21.22 Superintendent – Duties

There shall be a Superintendent of Public Works to be appointed by the President with the approval of the Village Board. The appointed Superintendent shall have supervision over all buildings, sewers, manholes, mains, treatment works, wells, appurtenances, and equipment used in the furnishing of waterworks and sewerage service in the Village and shall see that the object and purposes of the Waterworks and Sewerage Department are carried out and that the waterworks and sewerage system is conducted on an economical businesslike basis, and for this purpose, it shall be the duty of the Superintendent and all of the officers, employees and servants of said Department to enforce all of the provisions of this Chapter and to observe and obey and carry out the orders and directions of the Village Board. The Superintendent shall prepare and keep at the Village Hall a complete atlas of the waterworks and sewerage system with all connections and other appurtenances distinctly recorded therein.

Sec. 21.23 Compensation

The Superintendent and other officers and employees of the Waterworks and Sewerage Department shall receive as compensation for their services amounts to be fixed by the Village Board from time to time.

Sec. 21.24 Bond – Employees

Said Superintendent shall qualify for office in the same manner as any elective official of the Village and shall post such bond in such amount as may be determined by the President. All necessary employees of said Department shall likewise be appointed by the President with the approval of the Village Board of Trustees.

Sec. 21.25 Read Meters – Bill for Services, Etc.

The Superintendent or such officer or employees for the Waterworks and Sewerage Department as the Village Board shall direct, shall read water meters of said Village, take water and sewer applications, and shall perform such other duties as now are or may hereafter be imposed upon him by law or the ordinances of the Village.

Sec. 21.26 Applications – Connections, Etc.

- a. Except as otherwise in this Chapter provided, any person desiring to make any connection with said waterworks and sewerage system or plant or have the use thereof shall first make application to the Superintendent upon a blank form or forms furnished by said Department. Said application shall contain an agreement on the part of the applicant that all the rules, regulations, conditions and provisions of any ordinance relating to the waterworks and sewerage system will be complied with; that all water and sewerage rates, assessments and rents and all fines and penalties assessed, charged or imposed against said applicant upon the property described in said application will be paid. When the applicant hereunder has complied with all of the provisions of the ordinances of the Village, and the Superintendent has approved the application, a written permit shall then be issued by the Superintendent authorizing the connection to be made and specifying the size thereof.
- b. No building sewer shall be laid or used to serve more than one distinct premise or building.
- c. No building water service shall be laid or used to serve more than one distinct premise or building.

Sec. 21.27 Powers and Authority of Inspectors

- a. The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Superintendent or his/her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
- b. While performing the necessary work on private properties the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- c. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works or water mains 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.

Sec. 21.28 - 21.49 Reserved

ARTICLE IV. USE OF PUBLIC SEWERS REQUIRED

Sec. 21.50 Use of Public Sewers Required

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

- b. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

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

- d. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

Sec. 21.51 – 21.69 Reserved

ARTICLE V. PRIVATE SEWAGE DISPOSAL

Sec. 21.70 Private Sewage Disposal

- a. Where a public sanitary sewer is not available under the provisions of the Article IV, Section 21.50 d., the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- b. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application and fee for such permit shall be as provided in Article VI of this Chapter.
- c. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent and the Peoria County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent and Health Department when the work is ready for final inspection, and before any underground portions are covered. If possible, the inspection shall be made within 48 hours of the receipt of written notice by the Superintendent and Health Department.
- d. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet (1,858 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- e. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article IV, Section 21.50 d., a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
- g. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the appropriate local health officials or other governmental unit having authority.
- h. When a public sewer become available, the building sewer shall be connected to said sewer within ninety (90) days after notice to do so and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

- i. If the provisions of this Article conflict with other provisions of this Code, the provisions of this Article shall control. Where there is no conflict, the other provisions shall remain applicable and enforceable.

Sec. 21.71 – 21.89 Reserved

ARTICLE VI. BUILDING SEWERS AND CONNECTIONS

Section 21.90 Building Sewer

- a. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- b. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- c. There shall be two (2) classes of building permits:
 - (1) (a) for residential service; and
(b) for commercial service; and
 - (2) for service to establishments producing industrial wastes.

In either case, the owner or his/her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

A permit and inspection fee for a building sewer permit shall be paid to the Village at the time the application is filed. The fee shall be determined as follows:

| <u>Unit</u> | <u>Fee</u> |
|---|------------|
| Class 1, Category (a) – residences | \$15.00 |
| Class 1, Category (b) – buildings other than residences based on floor area as follows: | |
| Less than 1000 sq. ft. | \$15.00 |
| 1000 sq. ft. or more but less than 5000 sq. ft..... | \$25.00 |
| 5000 sq. ft. or more but less than 10,000 sq. ft..... | \$50.00 |
| 10,000 sq. ft. or more but less than 50,000 sq. ft..... | \$75.00 |
| 50,000 sq. ft. or more..... | \$100.00 |

- d. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately

and efficiently handle the additional anticipated waste load, and its issuance shall be subject to applicable ordinances of the Brimfield Sanitary District.

- e. All costs and expenses incident to the installation and connection of the building sewer to a public sewer, or the replacement thereof, shall be borne by the owner, and the owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by such work. Thereafter, the owner shall maintain and repair that portion of the building sewer from the owner's property line to the public sewer; however, the Village shall reimburse the owner for any maintenance or repair that was proved to be caused by the negligence of the Village or roots from trees located within the right-of-way of a road dedicated to and maintained by the Village (2007-2; 4/2/07).
- f. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- g. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter.
- h. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federal Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- i. No basement, half-basement or any other portion of a building having a floor elevation beneath the ground surface over the public sewer at the point of connection may be connected into the public sewer by gravity. In areas where the ground line over the public sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building sewer shall be four (4) feet below finished grade at the point where it enters such building.
- j. No person(s) shall make connection of roof down-spouts, exterior foundation drains, areaway drains, or other sources of runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- k. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federal Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such

connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- l. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- m. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

Sec. 21.91 Building Sewer Materials

- a. The building sewer shall be P.V.C. gravity sewer pipe conforming to ASTM D3034 or Ductile Iron Pipe conforming to ANSI/AWWA C151/A21.51.
- b. All building sewer pipe shall be properly bedded and installed in accordance with the manufacturer's recommendations.
- c. With normal conditions P.V.C. pipe may be SDR35; however, if conditions warrant, the Superintendent can require the P.V.C. pipe to be SDR26.

Sec. 21.92 Building Sewer Joints

- a. P.V.C. pipe shall be made and jointed with an integral bell, bell-and-spigot rubber gasket joint. Gasketed joints shall conform to ASTM F477 and to ASTM D3212.
- b. Ductile iron pipe may have mechanical or push-on joints conforming to ANSI/AWWA C151/A21.51 with gaskets conforming to ANSI/AWWA C111/A21.11.
- c. All fittings shall be of the same material and have the same joints as the pipe being used.

Sec. 21.93 Size, Slope and Depth

The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six inches. The slope of the pipe shall not be less than 1/8 inch per foot. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in directions shall be made only with properly curved pipe and fittings. 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.

Sec. 21.94 Defective Sewers

Whenever a sanitary building sewer or drain thereto is obstructed, or if found to be broken or defective so that sewage or drainage escapes into surrounding soil, or into adjacent premises, repair or replacement may be ordered by the Superintendent. Such repairs shall be at the expense of the owner or person in control of such property.

Sec. 21.95 Breaking into Sewer

When a part of the building sewer system is broken into, such break shall be properly repaired by replacing the broken part with a corresponding new part. No patching of such break will be accepted.

Sec. 21.96 – 21.109 Reserved

ARTICLE VII. USE OF THE PUBLIC SEWERS

Sec. 21.110 Use of Public Sewers

- a. No person shall discharge, or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer or natural outlet.
- c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction process, to constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- d. No industrial user may discharge sewage into any public sewer until the Village has adopted an industrial cost recovery system which:
 - (1) Meets the requirements of Section 204 (b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 citation and applicable federal regulations; and
 - (2) Has been approved by the Agency in accordance with the conditions of any grant made to the Village by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Village or the Brimfield Sanitary District.

- e. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction, of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F, 65°C).
 - (2) Any waters or wastes containing toxic or poisonous materials, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two and one hundred and fifty degrees (32 and 150°F, 0 and 650°C).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.
 - (4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.
 - (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village or the Brimfield Sanitary District, whichever may be the most strict, as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
 - (8) Any waters or wastes having a pH in excess of 9.5.

- (9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
 - (10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
 - (11) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (b) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions);
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on any sewage treatment works;
 - (d) Unusual volume of flow or concentrations of wastes constituting “slugs” as defined herein.
 - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- f. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 21.110 e. of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 – Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Village may have a deleterious effect upon the sewage works processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of this Article, Section 21.110 l.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and subject to the requirements of all applicable codes, ordinances and laws.

- g. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients except; that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.
- h. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- i. Each industry shall be required to install a control manhole and when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him so as to be safe and accessible at all times.
- j. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analysis of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

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

- k. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which building sewer is connected

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

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

Sec. 21.111 – 21.119 Reserved

ARTICLE VIII. EXTENSION OF PUBLIC SEWERS

Sec. 21.120 Where Extension Required

Where it is desired to connect to a property to a public sewer, an extension of the public sewer shall be made by the property owner, at his/her expense.

Sec. 21.121 Size and Construction Details

The size of the sewer to be built shall be determined by the Village Board but in no case shall it be less than 8 inches in diameter. Manholes shall be constructed at each change in direction (horizontal and/or vertical) and not more than 400 feet apart on straight sewers. Construction methods shall be in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois" adopted by the Village Board and on file in the Office of the Superintendent. All construction shall be subject to the inspection of the Superintendent or other designated representatives.

Sec. 21.122 Sewer Extension Materials

- a. The building sewer shall be P.V.C. gravity sewer pipe conforming to ASTM D3034 or Ductile Iron Pipe conforming to ANSI/AWWA C151/A21.51.
- b. All building sewer pipe shall be properly bedded and installed in accordance with the manufacturer's recommendations.
- c. With normal conditions P.V.C. pipe may be SDR35; however, if conditions warrant, the Superintendent can require the P.V.C. pipe to be SDR26.

Sec. 21.123 Sewer Extension Joints

- a. P.V.C. pipe shall be made and jointed with an integral bell, bell-and-spigot rubber gasket joint. Gasketed joints shall conform to ASTM F477 and to ASTM D3212.
- b. Ductile iron pipe may have mechanical or push-on joints conforming to ANSI/AWWA C151/A21.51 with gaskets conforming to ANSI/AWWA C111/A21.11.
- c. All fittings shall be of the same material and have the same joints as the pipe being used.

Sec. 21.124 – 21.129 Reserved

ARTICLE IX. USE OF PUBLIC WATER REQUIRED

Sec. 21.130 Private Water Systems Prohibited

No person having his/her or its residence or place of business within the territorial limits of the Village Waterworks and Sewerage System shall be permitted to secure water for such residence, or place of business located in the Village, including uses outside of such residential or business buildings, otherwise than through the water mains of the Village, whenever the water mains of the water system of said Village are adjacent to, or within 200 feet of any subdivided lot, or parcel of real estate, upon which said residence or place of business is located.

Sec. 21.131 Connection to Public Water Main Required

In all cases where a public water main is now installed, or hereafter may be installed in any street, alley, public way or easement in the Village, all inhabitants or users located on any lot or parcel of real estate fronting, abutting on, or within a distance of 200 feet from said public water main to the nearest property line of any such subdivided lot, or parcel of real estate on any such street, alley, public way or easement shall at their expense make, or cause to be made connection to such public water main, within 90 days after notice to connect after the installation of such public water main, if the same be not now installed. All users shall discontinue, within the same period of time, any connection which they theretofore may have had with any private water supply.

Sec. 21.132 Extension of Water Mains

Any property owner or developer desiring to extend the public water mains for the benefit of his/her property may do so at his/her own expense. Minimum main size shall be six inches in diameter or larger, where required by the Board of Trustees to serve the future growth in the vicinity of the extension. All construction shall be in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois," latest edition. Pipe shall be:

- a. P.V.C. Pressure Pipe, SDR21, conforming to ASTM D2241 with integral bell gasketed joints, or
- b. P.V.C. Class 200 Pipe conforming to AWWA C900 with integral bell gasketed joints, or
- c. Ductile Iron Pipe, Pressure Class 200, conforming to ANSI/AWWA C151/A21.51 with mechanical or push-on bell and gasket joints.

Sec. 21.133 Unauthorized Connections

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

Sec. 21.134 Applications – Connections to Water System

Any person desiring to make any connection with the said water system, or have the use thereof, shall first make application to the Office of the Superintendent upon a blank form or forms furnished by said office. Said application shall contain an agreement on the part of the applicant, that all the rules, regulations, conditions, and provisions of all ordinances of the Village will be complied with, that all fees, deposits, water rates, charges, rents and all fines and penalties assessed, charged or imposed against said applicant, upon the property described in said application will be paid. When the applicant hereunder has complied with all the applicable provisions of this Chapter, written permit shall then be issued by the Superintendent authorizing the connection to be made.

Sec. 21.135 Permit Fees

The fees to be charged for a permit to tap, or otherwise make a connection with said Water System shall be determined in such manner and amounts as shall be prescribed by ordinance, adopted by the Village from time to time.

Sec. 21.136 Opening in Streets – How Protected

All openings made in streets and sidewalks shall be protected at all times by sufficient barriers, on which signal lights or flares shall be placed and maintained after dark, together with such other provisions contained in an ordinance pertaining to street openings.

Sec. 21.137 Separate Water Service Required – Exception

A separate and independent building water main shall be provided for every building except where one building stands at the rear of another on an interior lot and no water main is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the water main from the front building may be extended to the rear building and the whole considered as one building water main.

Sec. 21.138 Turning on Water – Seals

- a. No person not duly authorized shall turn on any service stop, or use water therefrom when so turned on. The person so using or wasting water in such unlawful manner shall further be liable to pay therefore at the regular water rates.
- b. No seal placed by the Waterworks and Sewerage Department for the protection of any meter, valve, fitting or other water connection shall be defaced or broken except on written authority from the Superintendent.
- c. No person or persons other than the members of the Waterworks and Sewerage Department shall use water from any fire hydrant connected with the waterworks system of the Village, except for extinguishing fires or unless especially authorized by the Superintendent.

Sec. 21.139 Meters

All permanent water services hereinafter installed, whether for domestic or commercial purposes, shall be metered. Water meters shall be furnished by the Village and the same shall remain the property of the Village. The Village shall be reimbursed the cost of any meter so installed by the property owner and which charge shall represent an additional fee for the privilege of making connection to the system. There shall be no reimbursement for this initial service fee upon removal of the water meter.

The Village will repair and maintain the meters except when a water meter is damaged by freezing or by hot water backing through the meter or by other physical damage, the consumer shall be required to pay the cost of the repairs and labor upon receipt of bill for the same. Any such cost or repair shall be a lien against the premises to the same extent and with the same effect as charges for water service. All installations and the placing of meters shall be subject to the approval of the Superintendent.

Sec. 21.140 Access to Premises

The Superintendent and every person authorized by him and all meter inspectors shall have ready and reasonable access to the premises, place or buildings where such meters are located for the purpose of reading, examining, testing and repairing the same, and examining and testing the consumption, use and flow of water, and it shall be unlawful for any person or corporation to interfere with, prevent or obstruct said Superintendent or such other person or inspector in his/her work hereunder. Every consumer of water shall take the same upon the conditions prescribed in this Chapter.

Sec. 21.141 Installation of Water Service Pipe Meter – Penalties

The connection from the main to the curb stop shall be placed at least four (4) feet below the level of the ground and the service pipe shall be laid sufficiently waving so that it shall be at least one (1) foot longer than if laid in a straight line and shall be placed in such a manner as to prevent rupture or breakage from settling of the ground. All service pipe shall be Type K Copper Tubing or Polybutylene or Polyethylene Tubing. Joints in Polybutylene or Polyethylene shall be made with insert fittings using series 300 stainless steel clamps or compression flared brass clamps. PED and PE tubing shall have 160 p.s.i. rating at 73.4° F and shall conform to the standards of the National Sanitation Foundation. All service pipe shall be not less than 1” nominal diameter.

No person whether owner or occupant in possession or control of any building, structure, or premises into which water is supplied through the Village waterworks system shall be allowed, without written permission from the Village Board to supply other persons or families or to supply water from such building or premises to any other building structure or premises. The supply of water to a building structure or premises of any person who violated any of the foregoing provisions of this Section, shall be shut off and stopped forthwith, and the water shall not again be turned on to such building, structure or premises from which it was cut off until there shall have been paid to said Village such sum of money as the Village Board shall deem properly due the Village.

If after the water supply shall have been turned on to any building, structure or premises, it shall be found by any officer or employee of the said Village that fraudulent representations have been made by the applicant for such water supply or what water is being used in or upon such building, structure or premises

for purposes not set forth in the application made for such water supply or that there is willful and unreasonable use or waste of water, the Superintendent or such employee of the Village as he/she shall designate shall have the authority and it shall be his/her duty to cut off and stop the supply of water to such building, structure or premises forthwith, and the water shall not be turned on to such building, structure or premises until the person or persons responsible for such fraudulent representations or for such use of water or willful or unreasonable waste thereof, shall pay the Village such additional sum of money for such water supply or on account of such unreasonable waste of water as the Village Board shall find properly to be due the Village. Every person supplied with water from the Village Waterworks system shall, at his or her own cost and expense, have installed and kept in repair all pipes leading from the curb stop to his or her building, structure or premises as are supplied with water through such service pipe.

Each water service pipe shall be connected with said water main and shall extend horizontally at right angles with said water main to a point of at least twenty (20) feet from the center line of the street and shall there be provided with a bronze curb stop of not less than one inch (1") in diameter to be installed within a telescopic shut-off box of the best quality of cast iron or first grade steel pipe.

The water main must be tapped at an angle of forty-five (45) degrees with the vertical, and the corporation stop must be turned so that the T handle will be on top.

Sec. 21.142 Connection to Standard Water Main Required

In all cases where a standard water main is now installed or hereafter may be installed in any street, alley, public way or easement in the Village, all water users located on any lot or parcel or real estate fronting or abutting on any such street, alley, public way or easement, shall make or cause to be made connection to such standard water main and pay the tapping charges therefore within three months hereafter or within six months after the installation of such standard water main if the same be not now installed, and all users shall discontinue, within the same period of time, any connection which they theretofore may have had with any other water line.

Sec. 21.143 Cross-Connections Not Permitted

Whenever a system of water supply piping, either inside or outside of any building receives its supply from any source other than the waterworks system of the Village, such system shall be kept entirely separate from and no cross-connections or connections of any kind shall be made with any pipe or system of piping which receives its supply from the Village Waterworks system. Water which has been once used for any purpose whatsoever shall not be returned to the building's water supply system.

- a. In addition, whenever any system of water supply piping receives its supply from a source other than the waterworks system of the Village, such system of piping shall be installed in conformity with and pursuant to the 1986 Illinois Plumbing Code, 77 Ill. Admin. Code. 890 and all of its subsequent amendments, including the installation by the water customer of an approved backflow prevention device.
- b. No water customer shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution

system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of the Village and the Illinois Environmental Protection Agency.

- c. The Superintendent of the Village shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying the presence or absence of cross-connections, and the Superintendent or his/her authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying information submitted by the customer regarding any cross-connection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent any information which he/she may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this Article.
- d. The Superintendent of the Village is hereby authorized and directed to discontinue after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Article is known to exist, and to take such other precautionary measures as he/she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Article, and until a reconnection fee of \$500 is paid to the Village. Immediate disconnection with verbal notice can be effected when the Superintendent is assured that the imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water system supply, provided that, in the reasonable opinion of the Superintendent or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Village, the Superintendent, or its or his/her agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Article, whether or not said termination was with or without notice.
- e. The water customer responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed or maintained or repaired device, or a device which has been bypassed, must bear the cost of clean up of the potable water supply system.

Sec. 21.144 Inspection and Approval of Service Pipes

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

Sec. 21.145 Water Without Meters

Before a permit for the use of water shall be issued where meters cannot be conveniently used, the person applying for the same shall deposit Twenty Dollars (\$20.00) with the Village Treasurer as a payment on account of water to be used by him. On or before thirty (30) days from the date of the permit, the person to whom such permit is issued shall file with the Village a statement in writing, verified by his/her affidavit, showing fully the purpose for which the water was used by him for that time, and the amount and location of all work done by him during said time in connection with which any water was used, or required. The Superintendent shall ascertain from said statement and any other information, the amount due for water so used. If the amount so found to be due, together with all other fees and costs chargeable against such person is less than the sum deposited, the surplus shall be paid back to the depositor. If the amount due for water so used is more than the sum deposited, then the excess shall be paid at once to the Village by such person. If such person desires to continue to use the water after he/she shall have filed his/her statement, he/she shall again deposit Twenty Dollars (\$20.00) with the Superintendent and shall continue to make deposits thereafter and in the same manner as is provided herein with respect to the first deposit, and the method of determining the amount of water used and the charge for the same shall be the same as the provisions respecting the first deposit as hereinbefore provided.

Sec. 21.146 Variance from Provisions

The Village Board may grant a variance upon such terms and conditions as it may deem desirable or appropriate when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Article. A variance from the terms of this Article shall not be granted by the Village Board unless and until a written application for a variance is submitted to the Village Board demonstrating that special conditions and/or circumstances exist which are particular to the land or structure involved which are not applicable to other lands or structures in the Village. The application shall be on a form satisfactory to the Village and shall contain such information as the Village may deem necessary and appropriate. No non-conforming use of the neighboring lands or structures or other lands and structures in the Village shall be considered grounds for the issuance of a variance. The applicant shall submit such plans, specifications, and other information as may be required by the Village Board. As a condition of the granting of any variance hereunder, the Village Board may impose upon the applicant as a condition for the granting of such variance reasonable special conditions and safeguards for the protection of the public health, safety and welfare. No variance hereunder shall be granted except upon the adoption of a resolution passed by a vote of two-thirds of the members of the Village Board then holding office, with the President of the Village Board voting only in accordance with Section 2.4 of Article I of Chapter 2 of this Code.

Sec. 21.147 – 21.169 Revised

ARTICLE X. WASTEWATER SERVICE CHARGES

Sec. 21.170 Basis for Wastewater Service Charges

The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement and a debt service charge.

The *debt service charge* shall be computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly and quarterly debt service charges can be computed.

The *basic user charge* shall be based on water usage as recorded by water meters and/or sewage meters. It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- b. Proportion of the estimated costs to wastewater facility categories by volume.
- c. Compute costs per 1000 gal. for normal sewage strength.

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

Sec. 21.171 Measurement of Flow

The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1000 gallons.

- a. If the person discharging wastes into the public sewers procures any part, or all, of his/her water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, the person shall install and maintain, at his/her expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.
- b. Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

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

Sec. 21.172 Debt Service Charge

A debt service charge of \$1.80 per month to each user of the wastewater facility of the Village is hereby established.

Sec. 21.173 Basic User Rate

There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the Village. A minimum charge of \$0.20 per month shall be applied to all users whose water consumption does not exceed 2000 gallons per month. A *basic user rate* of \$0.10 per 1000 gallons shall be applied to all users for water consumption in excess of 2000 gallons per month.

All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum debt service charge, the minimum service charge and the basic user rate of \$0.10 per 1000 gallons. The flat rate charge will allow a maximum of 4000 gallons per month.

In the event use of the wastewater facilities is determined by the Village to be in excess of 4000 gallons per month, the Village may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

Sec. 21.174 Computation of Wastewater Service Charge

The wastewater service charge shall be computed by the following formula:

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

Where CW = Amount of Wastewater Service Charge (\$) Per Billing Period.

CD = Debt Service Charge (Section 21.172)

CM = Minimum Charge for Operation, Maintenance and Replacement (Section 21.173)

Vu = Wastewater Volume for the Billing Period.

X = Allowable Consumption in Gallons for the Minimum Charge (Section 21.173)

CU = Basic User Rate for Operation, Maintenance and Replacement (Section 21.173)

Sec. 21.175 – 21.189 Reserved

ARTICLE XI. INDUSTRIAL COST RECOVERY

Sec. 21.190 – 21.199 Reserved

ARTICLE XII. CHARGES OR RATES FOR WATER SERVICE

Sec. 21.200 Charges or Rates for Water Service

- a. That in addition to the rates or charges elsewhere in this Chapter contained for sewer service, there shall be and there is hereby established monthly rates and charges for the use of and for the water service supplied by the Village, as follows:

| | |
|---|---------|
| First 2,000 gallons, or fraction thereof | \$17.33 |
| Next 58,000 gallons, per 1,000 gallons or fraction thereof | \$8.66 |
| Next 90,000 gallons, per 1,000 gallons or fraction thereof | \$2.50 |
| All over 150,000 gallons, per 1,000 gallons or fraction thereof | \$2.00 |

Provided, however, that the following minimum charges shall apply for each apartment, flat, place of business, or family unit served by or through each water service connection for each month or fraction thereof:

| | |
|---|---------|
| For 5/8ths and 3/4ths inch service connection | \$17.33 |
| For one inch service connection | \$17.33 |
| For one and one-half inch service connection | \$31.50 |
| For two inch service connection | \$63.00 |

and provided further that a separate minimum charge shall be made for each apartment, flat, place of business or family unit in all buildings containing two or more apartments, flats, places of business or family units, but, provided, further, no minimum charges shall be made for any vacant apartment, flat, or place of business in any such building which said apartment, flat or place of business is vacant during an entire month. (2004-1; 3/1/04) (2010-8; 8/2/10) (2011-9; 12/5/11)

- b. Rates for all users outside the corporate limits of the Village, shall be 200% of the above rates and minimum charges; provided, however, that rates for serving all presently existing improvements (and for serving all subsequently constructed improvements which replace presently existing improvements which are later removed) located outside the corporate limits of the Village but within the boundaries of the Brimfield Sanitary District, shall be 100% of the above rates and minimum charges.
- c. All water supplied shall be metered to the consumer, and there shall be a separate meter for each consumer. No water shall be turned on for use on or in any premises until an application therefor in writing had been made for that purpose and filed with the Superintendent, stating the purpose for which the services are to be used. Such application, when submitted by an occupant or occupants of the premises to be served other than the holder of the legal title thereto, shall be accompanied by a deposit in the amount of fifty dollars (\$50.00), which deposit shall be paid before any water is turned on. Such deposit shall be held by the Village of Brimfield as security for the payment of water and/or sewer

service charges due from the applicant, and may be so applied when any default is made in payment of a water and/or sewer bill. (2005-4; 10/3/05)

- d. A tapping fee in an amount set from time to time by resolution of the Village Board shall be paid to the Village Treasurer by all persons desiring to use the Village water system. Said tapping fee shall be paid prior to connection by said user. Upon payment of said tapping fee, a permit authorizing connection with said Village water system shall be issued by said Superintendent.
- e. Said tapping fee may be increased by the Village in cases where an owner has constructed sewer and/or water mains to serve its property which mains may also be available for use by the owners of other lands within or without the boundaries of the Village. Such increase shall be by agreement between the Village and the contracting owner and may provide that the Village will charge and collect an increased tapping fee based upon the square footage of the land of the owner and the territory which may be served, however such agreement with the contracting owner shall not be for a term in excess of 10 years.

Sec. 21.201 – 21.209 Reserved

ARTICLE XIII. WATER AND SEWER CONNECTIONS

Sec. 21.210 Water and Sewer Connections

- a. No connection shall be made with the waterworks system without a permit issued by the Superintendent. Any connection or opening made with the waterworks system without the permit shall subject the maker to a penalty. A copy of the written permit to connect to the water system of said Village shall be filed with the Village Clerk for billing and deposit purposes.
- b. There shall be two classes of permits for water service: (1) for residential service, and (2) for service other than residential. In any case, the owner or his/her agent, shall make application on a form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The permit and inspection fee shall be paid to the Village in amounts to be determined as follows:

| <u>Unit</u> | <u>Fee</u> |
|---|------------|
| Class 1 – Residences..... | \$15.00 |
| Class 2 – Buildings other than residences based on floor area as follows: | |
| Less than 1000 square feet..... | \$15.00 |
| 1000 square feet or more but less than 5000 square feet..... | \$25.00 |
| 5000 square feet or more but less than 10,000 square feet..... | \$50.00 |
| 10,000 square feet or more but less than 50,000 square feet..... | \$75.00 |
| 50,000 square feet or more | \$100.00 |

- c. The Village Board hereby authorizes the Superintendent of the combined system to grant such water permits as he/she may deem proper allowing persons to connect to the waterworks system upon compliance with the rules, regulations and charges as provided for below. The President and Board of Trustees are authorized to establish such rules, regulations, and charges for the granting of such permits and amend the same from time to time as may be deemed necessary.
- d. The President and Board of Trustees are hereby authorized to make such rules and regulations consistent with this Chapter for the connection to the waterworks and sewerage system, specifying the types and sizes of pipes and all the other appurtenances and extensions thereto, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the combined waterworks and sewerage system shall comply with the specifications and rules for connection to the waterworks and sewerage system and violations shall be subject to a penalty as hereinafter provided.
- e. Employees of the waterworks and sewerage system shall have the right at all times of access to any person’s premises for the purpose of ascertaining the number and type of water and

sewer connections to the combined system. Any person refusing the right to permit the said employees of the waterworks and sewerage system the above described right of access to his/her premises shall be subject to a penalty as hereinafter provided.

- f. Before a permit shall be issued, a person, firm, or corporation must first secure a license and a bond as hereinafter provided.
- g. Any person, firm, or corporation who desires to make a connection of any kind to sewers and water mains within the Village shall provide a bond in the amount of \$5,000 in favor of the Village and written on the proper bond forms provided by the Village. Bonds for persons, firms, or corporations in the business of building sewers and sewer connections and water mains and water main connections shall cover all permits issued and work done during the life of the bond. Bonds for all others not engaged in the business of building sewers and sewer connections shall be good only for the permit issued and work to be done. In addition to, or in lieu of, the aforementioned bond, the Village Clerk may require that the person, firm or corporation provide a suitable Certificate of Insurance.
- h. Any competent person, firm, or corporation engaged in the business of building sewers and sewer connections must take out a sewer license from the Village, giving him authority to construct such sewers and connections within the Village. The cost of the license shall be \$25.00 per year from May 1st to May 1st of each succeeding year.
- i. Any person, firm, corporation, association, agent or legal representative violating the provisions of this Article shall be subject to a penalty of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 21.211 – 21.219 Reserved

ARTICLE XIV. GENERAL PROVISIONS

Sec. 21.220 Bills

Said rates or charges for water and sewer service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

Bills for service shall be sent out by the Collector or his/her agent on the first day of the month succeeding the period for which the service is billed.

All bills are due and payable 15 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 15th day after they have been rendered.

Sec. 21.221 Delinquent Bills

If the charges for such services are not paid by the due date mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Sec. 21.222 Lien – Notice of Delinquency

- a. Whenever a bill for service remains unpaid for 30 days after it has been rendered, the Collector or Village Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.
- b. If the user whose bill is unpaid is not the owner of the premises and the Collector or Village Clerk has notice of this, notice shall be mailed to the owner of the premises if his/her address be known, whenever such bill remains unpaid for the period of forty-five days after it has been rendered. The failure to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.
- c. Whenever bills for water service, wastewater treatment and collection and industrial cost recovery become delinquent as set forth in this Article the same shall become and constitute a lien upon the real estate to which service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not received. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate, sufficient for the identification thereof, upon or for which the service was supplied, (b) the amount or amounts of money due for such service, and (c) the date or dates when such amount or amounts become delinquent. If all amounts shown due remain unpaid after

recording, as provided by law, the Village may foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, the Village, may, in its discretion, file suit to collect such amounts as are delinquent and due against the owner, occupant or user of the real estate in a civil action, and shall collect, as well, all attorney's fees and costs incurred by it, the same to be fixed by order of the court. In addition to penalties and costs attributable and chargeable to the recording of such notices of lien, user, occupant and owner shall be liable for interest upon all unpaid balances, after delinquency, remaining from time to time, unpaid at the rate of one percent (1%) per month on the unpaid balance.

Sec. 21.223 Revenues

All revenues and moneys derived from the operation of the system shall be deposited in the appropriate Village fund.

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

Sec. 21.224 Accounts

The Treasurer or his/her agent 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 system, and at regular annual intervals he/she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the system.

Sec. 21.225 Notice of Rates

A copy of this Ordinance, or ordinances amending the provisions of this Article, properly certified by the Village Clerk shall be filed in the office of the Recorder of Deeds of Peoria County and shall be deemed notice to all owners of real estate of the charges of the system of said Village on their properties.

Sec. 21.226 Appeals

Any responsible person who feels that the charges hereunder are unjust, inequitable or incorrect as applied to the affected premises, within the intent of the provisions of this Chapter, may request a review of the charge. A review may also be requested for record changes, adjustments, credits and changes in wastewater classifications. A request may be made orally; however, the Village reserves the right to require that the request be made in writing. Requests for a review shall be in accordance with the following:

- a. A responsible person should contact the Village Clerk to ascertain what information is required by the Village to resolve the appeal. As a minimum, the request should include actual or estimated volumes and/or strengths or the wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were

made. Historical measurements and/or records should also be included and considered, whenever possible.

- b. An initial appeal requested and submitted in writing must be dated and signed by the responsible person. Said written appeal shall include all information necessary to resolve the appeal. Such appeal may be made on forms provided by the Village when available.
- c. An initial appeal shall be resolved by Village personnel using procedures approved by the Village. Such procedures shall result in written or oral reply to the user within 30 days of receiving the appeal.
- d. If the decision (reply) of c. above is not acceptable to the responsible person, he/she may resubmit his/her appeal to the Trustees of the Village for a final review. Upon completion of the review, the Trustees shall respond to the user and the decision of the Trustees shall be final.

The Village shall establish procedures and determine what information shall be required of users, as necessary to implement this Section.

If a user's appeal is determined to be substantiated, the charges shall be recomputed for that user based upon his/her appeal and, where sufficient information is available, the new charges thus recomputed shall be applicable retroactively up to six (6) months.

The Village shall not initiate any action resulting in a disconnection of service until an appeal is resolved.

Sec. 21.227 – 21.239 Reserved

ARTICLE XV. DISCONNECTION

Sec. 21.240 Notice of Violation – Service

In the event a charge for water and/or service for any real estate is not paid when due, the Collector may prepare a Notice of Violation to be served on the user in any of the following manners, or combinations thereof:

- a. By regular first class mail addressed to the user at his/her last known place of business or residence, or other address where it is reasonably believed that he/she will receive the Notice;
- b. By certified or registered mail, return receipt requested, addressed to the user at his/her last known place of business or residence, or other address where it is reasonable believed that he/she will receive the Notice;
- c. By personal or abode service by: an employee or officer of the Village; or, by a person who would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- d. By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served not less than: ten (10) days before the date set therein for a compliance meeting where the service is by mail; five (5) days before the compliance meeting date where personal or abode service is utilized; five (5) days following the date of publication before the compliance meeting date where the service is by publication. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary. A Certificate of Publication issued by a newspaper is prima facie evidence of service by publication.

Sec. 21.241 Notice of Violation – Contents

The Notice of Violation shall specify the amount of delinquent user charges and penalties, the period of delinquency, the service address, and the time and place for a compliance meeting to be attended by the Collector, or his/her designated representative, and by the user. The Collector may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Sec. 21.242 Continuances

Any request for a continuance must be in writing setting forth in detail the reasons for the request. The Collector may grant or deny continuances upon said written request.

Sec. 21.243 Compliance Meeting – Purpose

The purpose of the compliance meeting shall be to attempt to obtain a voluntary plan to remedy the delinquent user charges.

Sec. 21.244 Conduct of Compliance Meeting

The compliance meeting shall be conducted by the Collector. No formal rules of evidence shall be in effect and the proceedings need not be transcribed by a court reporter. The Collector and user shall discuss a compliance schedule for remedying the delinquent charges.

Sec. 21.245 Results of Compliance Meeting/Recommendation/Notice

Within ten (10) working days following the conclusion of the compliance meeting, a letter shall be issued by the Collector indicating the results of the meeting and setting forth any Compliance Schedule developed for remedying delinquent user charges. This letter may specify dates of future meetings as may be required to monitor progress in remedying the delinquent charges. If no voluntary agreement to remedy the delinquent charges is reached, the Collector may in his/her letter make any of the recommendations to the Board of Trustees that a hearing officer could make under Section 21.258 and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer had made the recommendations to it. The letter shall be served on the user by one or more of the methods described in Section 21.240. If the Collector recommends in the letter that the Board of Trustees order disconnection of the subject real estate from the Village’s water and/or wastewater facilities, the letter shall advise the user that he/she may within five (5) working days request in writing that a show cause hearing be held pursuant to Section 21.250 through Section 21.256. If the user’s request for a show cause hearing is received by the Collector within five (5) working days of the date of service of the Collector’s letter, the Board of Trustees shall defer action on the Collector’s recommendation of disconnection until after the show cause hearing is held and the hearing officer has made his/her recommendations.

Sec. 21.246 Default

In the event that there is a default in a compliance schedule developed at a compliance meeting, the Collector may proceed under Section 21.245 the same as if no voluntary agreement had been reached, and the user shall have the same right to request a show cause hearing as he/she would under Section 21.245.

Sec. 21.247 Failure to Appear

In the event that the user does not appear at the compliance meeting as noticed, the Collector may make any of the recommendations to the Board of Trustees that a hearing officer could make under Section 21.258 and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer had made the recommendation to it.

Sec. 21.248 Agreement Without Meeting or Hearing

The Collector is, in his/her discretion, hereby empowered, whether or not a compliance meeting or show cause hearing procedure is pending, to enter into consent orders, assurances of voluntary compliance,

or other similar documents establishing an agreement with a user or other person relating to the user charges for real estate. Such documents may include, among other things, compliance schedules, stipulations of fact or law, specified remedial actions, and must include the signatures of the user or other person or their authorized representatives and the Collector. Upon approval by the Board of Trustees, consent orders shall have the same force and effect as orders issued pursuant to Section 21.260.

Sec. 21.249 Optional Procedure

The compliance meeting is an optional procedure which may be instituted by the Collector. The Collector may at any time cancel, terminate, or bypass the compliance meeting and require the user to show cause why the subject real estate should not be disconnected from the Village's water and/or wastewater facilities whenever the Collector determines it is in the best interests of the Village to so proceed.

Sec. 21.250 Show Cause Hearing – Initiation

The show cause hearing procedure shall be initiated by the Board of Trustees upon recommendation of the Collector or upon request by a user pursuant to Sec. 21.245. At such time, the Board of Trustees shall appoint an impartial hearing officer.

Sec. 21.251 Notice – Service

Upon initiation of the show cause hearing procedure, the Village shall prepare a Notice to Show Cause stating the delinquent amount and penalties, the delinquent period, the service address, the time and place of a show cause hearing, the name and address of the hearing officer, and requiring the user to appear at the hearing and show cause, if any, why the subject real estate should not be disconnected from the Village's water and/or wastewater facilities. The Notice to Show Cause shall be served on the user in any of the following manners, or combinations thereof:

- a. By regular first class mail addressed to the user at his/her last known place of business or residence, or other address where it is reasonably believed that he/she will receive the Notice;
- b. By certified or registered mail, return receipt requested, addressed to the user at his/her last known place of business or residence, or other address where it is reasonably believed that he/she will receive the Notice;
- c. By personal or abode service by: an employee or officer of the Village; or, by a person who would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- d. By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice to Show Cause shall be served not less than: fifteen (15) days before the date set therein for the show cause hearing where the service is by mail; ten (10) days before the show cause hearing date where personal or abode service is utilized; five (5) days following the date of publication before the compliance meeting date where the service is by publication. Service by mail is accomplished by mailing. The affidavit of the person who served the Notice to Show Cause is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary. A Certificate of Publication issued by a newspaper is prima facie evidence of service of publication. The Collector may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Sec. 21.252 Continuances

Any request for a continuance must be made in writing to the hearing officer setting forth in detail the reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests, and may, if he/she desires, ask for the Collector's response to the request before ruling, a copy of which response shall be provided to the requesting party by the Collector by regular mail or personal delivery. Additionally, the hearing officer may in his/her discretion ask for argument before ruling. The grant of a continuance may be conditioned on such terms as the hearing officer believes appropriate.

Sec. 21.253 Information Prior to Hearing

Upon written request prior to the hearing, the Village shall provide the following by regular mail or personal delivery:

- a. A list of all witnesses expected to testify at the show cause hearing; and
- b. Copies of any documents expected to be used at a show cause hearing.

Sec. 21.254 Witnesses

The Village shall make its employees available for examination at the show cause hearing upon written request. Further, upon written request, the hearing officer shall request the presence of any other person the user expects to examine as a witness at the show cause hearing.

Sec. 21.255 Stipulations

The Collector may enter into stipulations of fact or law on behalf of the Village.

Sec. 21.256 Procedures for Show Cause Hearing

The following procedures shall apply to all show cause hearings:

- a. The show cause hearing shall be recorded by a certified court reporter or by tape recorder;

- b. The hearing officer shall open the hearing by stating his/her name and stating the user's name and the service address involved;
- c. The hearing officer shall ask for the appearances of the parties and in responding thereto any persons representing the various parties shall state for the record their names, their business addresses and whom they represent;
- d. The Village shall offer a copy of the Notice to Show Cause together with the affidavits of service, as an exhibit into evidence. The user shall be given an opportunity to object to the form or sufficiency of notice. Notice may be waived by the user;
- e. The hearing officer shall determine for the record whether due notice was given;
- f. Following the determination of notice, the hearing officer shall solicit an opening statement from the Village and then from the user;
- g. Following the opening statements, the Village shall call and examine its witnesses and present its documentary and physical evidence. The user shall be afforded an opportunity to cross-examine the witnesses and object to any evidence offered;
- h. After the Village presents its witnesses and other evidence, the user shall be afforded the same opportunity to call witnesses and present evidence. The Village shall be afforded the opportunity to cross-examine the witnesses and object to any evidence offered;
- i. The hearing officer shall accept or reject any offered evidence. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply. All evidence which is relevant and authentic may be accepted into evidence;
- j. Following the presentation of witnesses and other evidence, the hearing officer shall solicit closing statements from the Village and then from the user, and then rebuttal from the Village.
- k. The hearing officer may suspend the hearing to show cause and set a date on which the hearing is to continue.

Sec. 21.257 Proof

The Village shall have the burden of showing by a preponderance of the evidence the following elements:

- a. Notice of the hearing conforming to the provisions of this Article, if not waived by the user;
- b. Service provided to the service address(es) and user charges for such services; and
- c. Non-payment of the user charges.

Sec. 21.258 Decision of Hearing Officer

The hearing officer shall render a decision in writing with specific findings as to the elements set forth in Section 21.257 herein within thirty (30) days of the hearing or within such longer period as the hearing officer deems necessary so long as notice is given to the parties of the longer period. If the hearing officers finds that the Village has proven each of the elements set forth in Section 21.257 herein, the hearing officer shall make a recommendation to the Board of Trustees. That recommendation may be that the subject real estate be disconnected from the Village’s water and/or wastewater facilities immediately, or after a stated period of time during which the user may cure the delinquency, or that no disconnection take place because the user has a justifiable reason for non-payment of user charges.

Sec. 21.259 Assessment of Costs

In all cases where the hearing officer finds that the Village has proven non-payment of user charges, the hearing officer may assess the costs of enforcement as part of the recommendations. These costs shall include hearing officer fees, service fees, reasonable attorney’s fees and disconnection charges.

Sec. 21.260 Order of Disconnection

Upon the submission of a recommendation of the Collector or a hearing officer made in accordance with the provisions of this Article, the Board of Trustees may order disconnection of real estate from the Village’s water and/or wastewater facilities upon such terms and conditions as the Board deems appropriate. The Board of Trustees may order such a disconnection even though the Collector or hearing officer did not recommend disconnection if after its review of the record the Board concludes disconnection is appropriate and not contrary to the manifest weight of the evidence.

Sec. 21.261 Notice of Disconnection

A Notice of Disconnection shall be served by one of the methods prescribed in Section 21.251 at least fifteen (15) days prior to the disconnection date to the users and to the mortgage and lien holders of record. The local health department and building code enforcement office shall be notified of the disconnection date. The Notice of Disconnection shall state the service address, the amount of delinquent charges, interest, and penalties, and the earliest date on which disconnection might take place.

Sec. 21.262 Reconnection

A property disconnected pursuant to the provisions of this Article may be reconnected upon payment by cash or certified funds of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the Village in performing the disconnection as well as costs assessed by the hearing officer at the show cause hearing. Any reconnection pursuant to this Section must comply with all applicable ordinances of the Village.

Sec. 21.263 Water Service Reconnection

In addition to all other amounts due the Village under this Chapter, a property shut off from the water usage pursuant to this Chapter shall not be reconnected without first paying to the Collector the sum of (a)

\$25.00 if the shut off was for nonpayment of user charges due the Village under this Chapter prior to October 1, 2003, and \$100.00 thereafter, or (b) \$1.00 if the shut off was made at the request of the user and no amounts were due the Village under this Chapter at the time of such request (2003-8; 8/12/03).

Sec. 21.264 Nonapplicable Section

If the provisions of this Article are used by the Village or the user, the provisions of Section 21.226 shall not apply.

Sec. 21.265 Definition of “User”

As used in this Chapter, “user” means the owner, occupant, user of services and any other person, corporation or entity liable by statute, ordinance, or otherwise, for payment of the charges imposed by this Chapter.

Sec. 21.266 – 21.289 Reserved

ARTICLE XVI. PENALTIES

Sec. 21.290 Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, remove, deface or tamper with any conduit structure, appurtenance, manhole, catch basin, cover, or equipment which is a part of the Combined Waterworks and Sewerage System of the Village. Any person violating this provision shall be subject to immediate arrest.

Sec. 21.291 Notice of Violation

Any person found to be violating any provisions of this Chapter except Section 21.250 of this Chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 21.292 Failure to Comply

Any person who shall continue any violation beyond the time limit provided for in Section 21.251 shall be fined in an amount not less than Twenty-five Dollars (\$25.00) and not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 21.293 Liability for Loss – Damage

Any person violating any of the provisions of this Chapter shall become liable to the Village for any expense, loss, or damage (including attorney and engineering fees) occasioned the Village by reason of such violation.

Sec. 21.294 – 21.299 Reserved

ARTICLE XVII. GENERAL

Sec. 21.300 General

- a. Nothing herein in this Chapter contained shall be deemed or construed as requiring the Village to extend its sewer and/or water mains at its expense so as to provide sewer and/or water service to any property within the Village not presently served.

- b. The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part of parts.