

TITLE V: PUBLIC WORKS

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CHAPTER 50: SEWERS

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GENERAL PROVISIONS**§ 50.001 DEFINITIONS.**

All pertinent parts or sections of the Illinois State Plumbing Code are adopted and made a part of this chapter as though those parts or sections were fully set out herein. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal 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. The **BUILDING DRAIN** terminates 5 feet outside the outer face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called **HOUSE CONNECTION**. The **BUILDING SEWER** commences 5 feet outside the building foundation wall.

COMBINED SEWER. A sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

DISTRICT. The Sanitary District of Decatur, Illinois, and any reference to within the District shall mean all territory within the perimeter of the **DISTRICT** boundaries.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA). The agency or agencies of the state, any divisions thereof or successors thereto, authorized by present and subsequent acts of the legislature thereof to regulate and control matters in respect to the environment, and particularly in respect to wastewater discharges, management, maintenance, and operations of the village facility.

ILLINOIS STATE PLUMBING CODE 1986. The code and appendices adopted 5-16-1986 by the Illinois Department of Public Health and any subsequent amendments thereto under the Illinois Plumbing License Law. All pertinent parts or sections of the code are adopted and made a part of this chapter as though those parts or sections were fully set out herein.

(Ord. 376, passed 11-4-1991)

INDUSTRIAL WASTE. 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.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NPDES PERMIT. Any permit or equivalent document or requirements issued by the IEPA or USEPA, after enactment of the Federal Clean Water Act, to regulate the discharge of pollutants pursuant to § 401 of the Federal Act, being 33 U.S.C. §§ 1251 *et seq.*

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POPULATION EQUIVALENT. An average waste loading, equivalent to that amount of waste produced by 1 person which is defined as 100 gallons per day or that amount of waste containing 0.17 pounds B.O.D.

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SANITARY SEWER. A sewer that conveys all sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or polluted industrial wastes are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with the ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage or drainage water.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration of flows normal operation and shall adversely affect the performance of the village or District sewage works.

STORM SEWER. A sewer that carries storm, surface, and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

SUPERINTENDENT. The Water and Sewer Superintendent of the village, or his or her authorized deputy, agent, or representative.

SUSPENDED SOLIDS (SS). Solids that either float on the surface of, or are in suspension in, water, sewage, or other industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA). The agency or agencies of the federal government, and divisions thereof or successors thereto, authorized by present and subsequent acts of the Congress thereof to regulate and control matters in respect to the environment, and particularly in respect to wastewater discharges, management, maintenance, and operations of the village facility.

VILLAGE. The Village of Forsyth, Illinois, and any reference to within the village shall mean all territory within the perimeter of the village boundaries.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Prior Code, § 50.01) (Ord. 204, passed 11-20-1978; Am. Ord. 293, passed 6-17-1985)

§ 50.002 DEPOSITING OBJECTIONABLE WASTES ON PUBLIC AND PRIVATE PROPERTY.

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 jurisdiction of the village, any human or animal excrement, garbage, or objectionable waste.
(Prior Code, § 50.02) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.003 DISCHARGING INTO NATURAL OUTLETS PROHIBITED.

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

(Prior Code, § 50.03) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.004 PRIVIES, SEPTIC TANKS, AND OTHER FACILITIES.

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 wastewater.

(Prior Code, § 50.04) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.005 SUITABLE TOILET FACILITIES.

The owners 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 a public sanitary sewer of the village, is hereby required at the owners' expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(Prior Code, § 50.05) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.006 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE.

(A) (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Combined sewers shall not be connected to the public sanitary sewer system of the village.

(B) (1) Stormwater and all other unpolluted drainage shall be discharged to a natural outlet or to the sewers as are specifically designated as storm sewers.

(2) Industrial cooling water or unpolluted process waters may be discharged, on approval of the village, to a storm sewer, or natural outlet.

(Prior Code, § 50.06) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.007 CERTAIN DISCHARGES PROHIBITED IN PUBLIC SEWER; ENFORCEMENT.

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

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

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

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

(4) Solid or viscous substances in quantities or of the 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 or insufficiently ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(B) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if the village or District determines that the wastes might harm 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 making a decision as to the acceptability of these wastes, the village or District will give consideration to factors such 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 other pertinent factors. The substances prohibited and subject to review by the village and District are:

(1) Any liquid or vapor having a temperature higher than 150°F;

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the village;

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(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, cyanide, and similar objectionable or toxic substances; or waters of wastes exerting an excessive chlorine requirement. The substances include, but are not limited to, those shown in the following table. The concentration of any given substance discharged to the public sewer system shall not exceed that shown in the tabulation:

<i>Chemical or Waste</i>	<i>Concentration (Milligrams Per Liter)</i>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	2.0
Iron	15.0
Lead	0.1
Nickel	3.0
Zinc	2.0
Cadmium	2.0

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in the concentrations that after treatment of the composite sewage, the requirements of the state, federal, or other public agencies having jurisdiction over discharge to the receiving waters are not met. Including, but not limited to, phenols in excess of 0.2 milligrams per liter;

(7) Any radioactive wastes or isotopes of the half-life or concentrations as may exceed limits established by the village or District in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 10.5;

(9) 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), or of total suspended solids in excess of 350 milligrams per liter;

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in the quantities as to constitute a significant load on the sewage treatment works; or any waste exerting B.O.D. in excess of 300 milligrams per liter; and/or

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined in § 50.001.

(10) 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 the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and

(11) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Superintendent in compliance with applicable state and federal regulations.

(C) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the village public sewers, which waters contain the substances or possess the characteristics enumerated in division (B) above, and which are in violation of the EPA standards for pretreatment provided in 40 C.F.R. pt. 403, EPA Rules and Regulations, Federal Register Volume 46, No. 18, Wednesday, 1-28-1981, and any amendments thereto, and which, in the judgment of the village or District, 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 or District may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(2) If the village or District 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 District, and subject to the requirements of all applicable codes, ordinances, and laws.

(Prior Code, § 50.07) (Ord. 204, passed 11-20-1978; Am. Ord. 293, passed 6-17-1985) Penalty, see § 50.999

§ 50.008 INDUSTRIAL WASTE.

(A) Nothing contained in §§ 50.006 through 50.008, 50.010, 50.011, and 50.075 through 50.077 shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby industrial wastes of unusual strength, character, or volume are accepted by the District for treatment, subject to payment therefor by the industrial concern.

(B) Any such agreement shall specifically set forth what provisions of this chapter are modified and all other provisions shall remain in full force and effect.

(Prior Code, § 50.08) (Ord. 204, passed 11-20-1978)

§ 50.009 DESTROYING OR TAMPERING WITH MUNICIPAL SEWAGE WORKS EQUIPMENT.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to arrest and criminal prosecution in addition to payment for damages.

(Prior Code, § 50.09) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.010 OBSTRUCTING OR INTERFERING WITH SEWAGE DISPOSAL PROCESS PROHIBITED.

It shall be unlawful for any person to deposit by any means into a building drain, or into a building sewer, or into a public or private sewer, any material which would or could obstruct, damage, or overload the system or sewer, or interfere unduly with the sewage disposal process.

(Prior Code, § 50.10) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999.

§ 50.011 DISCHARGE PROHIBITED IF CONNECTING PROPERTY OUTSIDE VILLAGE AND DISTRICT LIMITS.

No discharge shall be made into the village sanitary sewer system unless the connecting property is within both the village and the District corporate limits.

(Prior Code, § 50.11) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.012 DISCHARGE PROHIBITED IN CERTAIN AREAS OF U.S. ROUTE 51.

(A) No person, firm, corporation, or institution, public or private, shall discharge or empty any type of sewage, including the effluent from septic tanks or other sewage treatment devices, or any other domestic, commercial, or industrial waste, or any putrescible liquids, or cause the same to be discharged or emptied in any manner into open ditches, storm sewers, drains, or drainage structures constructed as a part of the improvement of FA Route 412 (U.S. Route 51), State Section 5OR-2.

(Prior Code, § 50.12) (Ord. 259, passed 10-18-1982)

(B) (1) It shall be unlawful for any person, firm, or corporation to connect or cause to be connected any drain carrying or to carry any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances into any storm sewers constructed as part of this improvement.

(2) Any person, firm, or corporation violating this division (B) shall be fined not less than \$500 for each offense and any separate offense shall be deemed committed each and every day during which a violation continues or exists.

(3) This division (B) shall be in effect from and after its passage, approval, and publication as provided by law.

(Ord. 568, passed 4-15-2002)

Penalty, see § 50.999

§ 50.013 MAINTAINING PLUMBING AND DRAINAGE SYSTEM IN SANITARY, SAFE MANNER.

The plumbing and drainage system of any premises within the village shall be maintained in a sanitary and safe operating condition and in conformance with the provisions of this chapter by the owner or his or her agent.

(Prior Code, § 50.13) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

Cross-reference:

Water, see Ch. 51

§ 50.014 APPEAL TO VILLAGE ADMINISTRATOR; PETITION, HEARING, AND DECISION.

(A) Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this chapter and shall be entitled to a written reply from the village.

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(B) (1) Any interested party may appeal any decision of the Water and Sewer Superintendent in the enforcement of this chapter by requesting an informal hearing before the Village Administrator.

(2) The Village Administrator shall fix a reasonable time for a hearing and so notify the interested parties.

(3) The filing of a request for a hearing shall stay all proceedings unless the Superintendent shall file within 72 hours after the request for hearing a certificate stating that a stay would cause peril to life or property or specify other good reasons.

(C) (1) Within 5 working days following the hearing, the Village Administrator shall file a written decision with all interested parties.

(2) The decision shall either uphold the Water and Sewer Superintendent's action in whole or in part, or shall uphold the petitioner's position.

(D) (1) The decision of the Village Administrator may be appealed to the Village Board of Trustees by the party or parties originally appealing the Water and Sewer Superintendent's decision.

(2) The appeal must be filed with the Village Clerk within 10 days of receipt of the Village Administrator's decision.

(3) The Village Board of Trustees, at its first regular meeting following receipt of the appeal, shall fix a reasonable time for hearing the appeal, which may be heard in conjunction with a regular meeting of the Board, or at a special meeting of the Board.

(E) (1) The hearing shall be open to the public.

(2) Petitioners shall be given full opportunity to present evidence in support of their petition after which the Water and Sewer Superintendent may present evidence in support of his or her decision.

(3) Rebuttal by petitioners shall be limited to new matters raised by the Water and Sewer Superintendent and not covered in their original statements.

(F) (1) The Village Board shall decide the appeal within a reasonable time and notify the interested parties.

(2) The minutes of the Village Board shall constitute the official record of the petition, hearing, and decision.

(3) Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at his or her own expense.

(Prior Code, § 50.14) (Ord. 373, passed 9-24-1991)

§ 50.015 REPORTING REQUIREMENTS.

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

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the village or District, 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.

(C) The owner shall report the results of measurements and laboratory analyses to the village and District at the times and in the manner as prescribed by the village or District.

(D) The owner shall bear the expense of all measurements, analyses, and reporting required by the village or District.

(E) At the time as deemed necessary, the village or District reserves the right to take measurements and samples for analysis by an outside laboratory service.
(Prior Code, § 50.15) (Ord. 293, passed 6-17-1985)

§ 50.016 NOTICE OF VIOLATION; LIABILITY; LEGAL ACTION.

(A) (1) Any person found to be violating any provision of this chapter, except § 50.009, 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.

(2) The offender shall, within the period of time stated in the notice, permanently cease all violations.

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

(C) In addition to any other penalty or action provided or authorized hereby, the village may institute any appropriate action or proceeding to prevent any violation hereof to restrain, correct, or abate the violation.

(Prior Code, § 50.98) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

PRIVATE WASTEWATER DISPOSAL SYSTEM

§ 50.030 CONNECTING BUILDING SEWER TO PRIVATE WASTEWATER DISPOSAL SYSTEM.

Where a public sanitary sewer is not available under the provisions of § 50.005, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

(Prior Code, § 50.20) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.031 WRITTEN PERMIT TO BE OBTAINED; APPLICATION; INSPECTION FEE.

(A) Before commencement of construction of a private wastewater disposal system, the owners shall first obtain a written permit signed by the Superintendent.

(B) The application for the permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent.

(C) A permit and inspection fee of \$10 shall be paid to the village at the time the application is filed. (Prior Code, § 50.21) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.032 SUPERINTENDENT TO INSPECT INSTALLATIONS.

(A) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent.

(B) The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.

(C) The inspection shall be made within 48 hours of the receipt of notice by the Superintendent. (Prior Code, § 50.22) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.033 COMPLIANCE WITH COUNTY SEWAGE DISPOSAL REQUIREMENTS AND STATE DEPARTMENT OF HEALTH.

(A) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Macon County Private Sewage Disposal Ordinance, adopted 2-10-1976, and the Illinois Department of Public Health (Private Sewage Disposal Licensing Act and Code, 1974).

(B) No septic tank or cesspool shall discharge to any natural outlet.

(C) A State Environmental Protection Agency permit shall be applied for when required by state law.

(Prior Code, § 50.23) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.034 CONNECTING PRIVATE WASTEWATER DISPOSAL SYSTEM TO PUBLIC SEWER.

At the time as a public sewer becomes available to a property served by a private wastewater disposal system as provided in § 50.033, a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material.

(Prior Code, § 50.24) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.035 MAINTENANCE OF PRIVATE WASTEWATER DISPOSAL FACILITIES.

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

(B) Removal of sludges from private disposal systems shall be by a disposal system contractor licensed in the county.

(Prior Code, § 50.25) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.036 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Sanitary District, the county, or the state.

(Prior Code, § 50.26) (Ord. 204, passed 11-20-1978)

PERMITS

§ 50.050 GENERALLY.

(A) (1) The Mayor and Board of Trustees are authorized to establish the rules, regulations, and charges for the granting of these permits and amending them from time to time as may be deemed necessary.

(2) The Village Administrator, or his or her delegate, is authorized to grant the permits as they may deem proper insofar as the permits are in compliance with the policies as determined by the Mayor and Board of Trustees.

(B) This section shall become effective upon its passage, approval, and publication in pamphlet form as provided by law.

(Prior Code, § 50.35) (Ord. 204, passed 11-20-1978; Am. Ord. 644, passed 2-7-2005)

§ 50.051 PERMIT APPLICATION; TAPPING FEE.

(A) A plumber or installer may request a permit for the connection of a building sewer to a public sewer under village jurisdiction and shall make application therefor to the Superintendent on a form furnished by the village.

(B) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

(C) If, in issuing a permit, the Superintendent fixed special conditions thereto, the permit shall be void unless the conditions are fully observed.

(D) No permit will be issued for the connection of a building sewer to a public sewer under village jurisdiction for which a tapping fee has been established until after payment of the tapping fee to the village.

(Prior Code, § 50.36) (Ord. 376, passed 11-4-1991)

§ 50.052 BUILDING SEWER PERMITS.

(A) There shall be 3 classes of building sewer permits: for residential; for commercial, institutional, and governmental service; and for service to establishments producing industrial wastes.

(B) A permit fee of \$250 for a residential, commercial, institutional, or governmental building sewer permit and \$500 for an industrial building sewer permit shall be paid to the village at the time the application is filed. Plumbing inspector's fees shall be due and payable in accordance with a schedule of the fees adopted by the Board of Trustees from time to time.

(Prior Code, § 50.37) (Ord. 376, passed 11-4-1991)

§ 50.053 EXPIRATION OF PERMIT.

Except as may be otherwise directed by the village, any permit under which work has not commenced and been reasonably prosecuted to completion shall expire 6 months from the date of issuance.

(Prior Code, § 50.38) (Ord. 204, passed 11-20-1978)

INSTALLATIONS AND CONNECTIONS**§ 50.065 APPROVAL OF PLANS BEFORE CONNECTION TO SEWER SYSTEM OUTSIDE VILLAGE JURISDICTION.**

(A) No sanitary sewer, public or private, over which the village will not have immediate and continuing jurisdiction shall be connected to the village sewer system without prior approval of the plans therefor by the village.

(B) After approval of the plans, the actual connection shall be made under the supervision of and to the satisfaction of the village.

(Prior Code, § 50.45) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.066 COSTS AND EXPENSE OF INSTALLATION AND CONNECTION OF BUILDING SEWER; INDEMNIFICATION.

(A) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owners.

(B) The owners shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation and maintenance of the building sewer.
(Prior Code, § 50.46) (Ord. 204, passed 11-20-1978)

§ 50.067 SEPARATE BUILDING SEWER PROVIDED FOR EVERY BUILDING.

A separate and independent building sewer shall be provided for every building; except where 1 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 front building sewer may be extended to the rear building and the whole considered as 1 building sewer, but the village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(Prior Code, § 50.47) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.068 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.

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.

(Prior Code, § 50.48) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.069 BUILDING SEWER SPECIFICATIONS.

(A) The building sewer shall be of suitable size, but not less than 4 inches in diameter and installed at a slope of not less than 1.0% (1/8 inch per foot).

(B) Larger diameter building sewer shall be installed at slopes no less than required to provide velocities of at least 2 feet per second when flowing full.

(C) The alignment, materials of construction, and the methods to be used in excavating, placing the pipe, jointing, backfilling the trench, and other features of the building sewer shall all conform to the requirements and specifications of the State Plumbing Code, except that pipe materials shall be limited to those approved by the Village Board.

(Prior Code, § 50.49) (Ord. 204, passed 11-20-1978; Am. Ord. 293, passed 6-17-1985) Penalty, see § 50.999

§ 50.070 GRAVITY FLOW OF BUILDING DRAIN TO PUBLIC SEWER.

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer in accordance with provisions of the State Plumbing Code for the installations. (Prior Code, § 50.50) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.071 SURFACE RUNOFF OR GROUNDWATER.

No person shall have or make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Prior Code, § 50.51) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.072 CONNECTION OF BUILDING SEWER INTO PUBLIC SEWER.

The building sewer shall be connected to the public sewer at and by means of the Y branch, T branch, or special opening left in the public sewer for the specific purpose of making the connection. At locations where a branch or special opening has not been provided in the public sewer, the connection shall be made using an appropriate tapping saddle or other special fitting utilizing procedures and materials approved by the Superintendent, to provide a structurally sound, watertight, and gas tight connection. (Prior Code, § 50.52) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.073 INSPECTION OF CONNECTION TO PUBLIC SEWER.

(A) All building sewers, the connection thereof to the village sewer system, and the portions of existing building systems as may be affected by new work or any changes, shall be inspected by the Superintendent to ensure compliance with all the requirements of this chapter and to assure that the installation and construction of the building sewer and connections thereto is in accordance with approved plans and the conditions of this chapter.

(B) (1) It shall be the duty of the holder of a permit (or his or her agent) to give notice to the Superintendent when the building sewer is ready for test or inspection.

(2) No part of the building sewer shall be covered until it has been inspected, tested, and accepted by the Superintendent.

(3) Conditions of the inspecting and testing shall be by the water testing as provided in the State Plumbing Code or other methods approved by the Superintendent.
(Prior Code, § 50.53) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.074 BARRICADES AND LIGHTS AROUND SEWER EXCAVATIONS.

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(B) Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the public agency having jurisdiction thereof.
(Prior Code, § 50.54) (Ord. 204, passed 31-20-1978) Penalty, see § 50.999

§ 50.075 GREASE, OIL, AND SAND INTERCEPTORS; INTERCEPTING PIT TANK.

(A) (1) Grease, oil, and sand interceptors shall be provided when the village has determined that 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 the interceptors shall not be required for private living quarters or dwelling units.

(2) 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.

(3) Each interceptor shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(4) Removal and hauling of collected materials not performed by the owner's personnel must be performed by a licensed waste disposal firm.

(B) (1) No drain from any service station, car washing rack, public garage, dye works, cleaning establishment, food preparation plant, restaurant, or other establishment where gasoline, oils, fats, grease, or flammable materials are used or stored shall be connected to the public sewer unless the drain is provided with an intercepting pit tank so constructed, vented, and trapped as to retain all oil, gasoline, mud, grease, fat, or flammable material as may be carried from the establishment in the drain.

(2) (a) The pit tank shall be suitably sized to perform its intended function, but in any event shall be not less than 3 feet square and 4 feet deep with capacity to retain not less than 22.5 cubic feet of liquid, constructed so as to retain all liquids trapped below the outlet to the sewer.

(b) The outlet to the sewer shall be extra heavy cast-iron pipe not less than 4 inches in diameter and shall extend to within 1 foot of the pit bottom.

(c) An adequate clean out shall be provided outside of the pit.

(d) The inlet shall be constructed of extra heavy cast-iron soil pipe not less than 4 inches in diameter with an equal sized cast-iron sanitary tee inside the pit, the top of which tee shall be left open and the spigot end submerged in the trapped liquid, which the inlet pipe may extend to any convenient place in the building where it shall terminate in a 12 inch by 12 inch untrapped receptacle or catch basin with a grated cover or the other fixture or fixtures as may be approved by the village.

(e) The tank shall have a removable manhole cover not less than 20 inches in diameter and shall be vented through the building roof with a 2-inch pipe increasing to 3 inches at its passage through the roof.

(3) No human or animal excrement shall be discharged into the pit.
(Prior Code, § 50.55) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.076 PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Prior Code, § 50.56) (Ord. 204, passed 11-20-1978)

§ 50.077 CONTROL MANHOLE.

(A) (1) When required by the village or District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.

(2) The control manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the village and District.

(3) The control manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(B) 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 the control manhole.

(C) (1) In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and upon the sewage works and to determine the existence of hazards to life, limb, and property.

(Prior Code, § 50.57) (Ord. 204, passed 11-20-1978) Penalty, see § 50.999

§ 50.078 RIGHT OF ENTRY; INDEMNIFICATION; EASEMENTS ON PRIVATE PROPERTY.

(A) (1) The Superintendent and other duly authorized representatives of the village, the District, 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.

(2) The Superintendent or any of the above representatives 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 waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized representatives of the District, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required by § 50.074.

(C) (1) The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement.

(2) All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Prior Code, § 50.58) (Ord. 204, passed 11-20-1978; Am. Ord. 293, passed 6-17-1985)

§ 50.079 COMPLIANCE REQUIRED.

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, District, or local standards.

(Prior Code, § 50.59) (Ord. 293, passed 6-17-1985) Penalty, see § 50.999

§ 50.080 DOWNSTREAM FACILITIES TO BE CAPABLE OF HANDLING LOAD.

A building sewer permit shall only be issued and 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.

(Prior Code, § 50.60) (Ord. 293, passed 6-17-1985)

§ 50.081 FLOOR DRAINS.

All floor drains shall be a minimum 3 inches in diameter.

(Prior Code, § 50.61) (Ord. 376, passed 11-4-1991) Penalty, see § 50.999

§ 50.082 STANDARDS AND SPECIFICATIONS FOR BUILDING AND SEWER MAINS.

All sanitary sewers shall be constructed in accordance with provisions of this chapter and specifications and standards provided for sanitary sewers by the Village Board.

(Prior Code, § 50.62) (Ord. 376, passed 11-4-1991) Penalty, see § 50.999

Cross-reference:

Land Usage, see Title XV

RATES AND CHARGES**§ 50.095 GENERALLY.**

(A) Where reference is made herein to any federal or state statute, rule, or regulations, either specifically or generally, the reference shall be to that statute, rule, or regulation and to all amendments thereto now in force or which may be hereafter enacted.

(B) No portion or provision hereof shall be taken to establish lesser or different requirements than those imposed upon persons by the District and the state and federal governments for purposes of protecting and improving the environment, and to the extent the statutes and regulations are different from or in conflict with the provisions of this subchapter, the District, state, and federal statutes, rules, and regulations shall govern.

(Prior Code, § 50.70) (Ord. 294, passed 6-17-1985)

§ 50.096 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, Pub. L. No. 95-217, 33 U.S.C. §§ 1251 *et seq.*, as amended.

ADMINISTRATOR. The Administrator of the U.S. EPA, Region V.

BILLABLE FLOW. Either a user's water usage from all sources or the amount of wastewater discharged by a user to the village's sewer facility, as determined by the village.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter (mg/l).

CAPITAL COST RECOVERY. The recovery from all users of the village's sewer facility funds to partially reimburse the general fund of the village for major capital expenditures initially made on the village sewer facility.

CAPITAL COST RECOVERY CHARGE. A charge determined by identifying and multiplying a user's billable flow by the capital cost recovery rate.

CAPITAL COST RECOVERY RATE. The total yearly capital recovery cost to the village for the coming fiscal year divided by the total yearly billable flow (in thousands of gallons) estimated to be received for the same period of time from all users of the village's facility.

COMMERCIAL USER. For the purposes of the user charge system, a user whose principal activity is the purchase, sale, barter, or exchange of goods, wares, merchandise, or providing a social, charitable, recreational, utilitarian, or professional service whether for profit or not for profit including governmental agencies not defined elsewhere in this section.

DIRECTOR. The chief administrative officer of the District or an employee or agent acting as his or her authorized representative.

DISTRICT. The Sanitary District of Decatur, Macon County, Illinois.

DOMESTIC USER. A user who discharges only domestic wastewater.

DOMESTIC WASTEWATER. Wastewater having a normal strength of 200 mg/l of B.O.D. and 250 mg/l of suspended solids (SS) or less. ***DOMESTIC WASTEWATER*** shall be interchangeable with sanitary sewage.

FACILITY. All present and future sanitary sewers, equipment, and appurtenances owned by the village.

FEDERAL. The United States of America, and each and every present and future department, agency, regulatory body, or subdivision thereof.

FIXED SEWER BILL. A charge to a nonmetered user for discharging domestic strength wastewater to the village facility. This fixed charge shall be determined in accordance with the provisions of § 50.097(F).

FLOW. A volume of hydraulic fluid entering, either intentionally or unintentionally, a village sanitary sewer, measured in gallons.

GOVERNMENTAL USER. For the purpose of the user charge system, shall mean a user involved in legislative, judicial, administrative, or regulating activities of federal, state, and local governments.

IEPA (ILLINOIS ENVIRONMENTAL PROTECTION AGENCY). The agency or agencies of the state, any divisions thereof, or successors thereto, authorized by present and subsequent acts of the legislature thereof to regulate and control matters in respect to the environment, and particularly in respect to the management, maintenance, and operations of the village facility.

INDUSTRIAL USER. For the purpose of the user charge system, shall mean a user involved in manufacturing activities involving the mechanical or chemical transformation of materials or substances into products where these activities usually occur in establishments commonly described as plants, factories, or mills and characteristically use power-driven machines and material handling equipment.

INSTITUTIONAL USER. For the purpose of the user charge system, shall mean a user involved in social, religious, or educational activities such as tax supported schools, libraries, or park districts, private or parochial schools, and churches.

NONDOMESTIC USER. A user whose wastewater contains B.O.D. or SS at greater than the strengths contained in domestic wastewater.

OPERATION AND MAINTENANCE COST. All costs, direct and indirect, including billing and collection costs, but not including capital cost recovery costs, necessary to ensure adequate wastewater collection on a continuing basis, conforming to applicable regulations, and providing optimal long-term facility management as determined by the village.

PARCEL. Any acreage, tracts, or subdivided portion of real estate, whether improved or unimproved, and whether within or without the corporate limits of the village.

PERSON. Any individual, partnership, corporation, joint stock association, or the State of Illinois, a city, village, unincorporated town, or any other subdivision thereof and includes any trustee, receiver, assignee, or personal representative thereof.

PERSONAL PROPERTY. Any equipment and appurtenances, whether fixed or portable, utilized by the village's collection system, that has a service life of 20 years or less, and is owned by the village.

REPLACEMENT. The expenditure of village funds for personal property such as obtaining and installing equipment, accessories, or appurtenances thereto to maintain the capacity and performance of the village's facility.

RESIDENTIAL USER. A user who resides in dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, and permanent multi-family dwellings.

SANITARY SEWER. A sewer which carried sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWER BILL. The uniform charge for domestic strength wastewater. The **SEWER BILL** shall be determined by identifying and multiplying a user's billable flow by the sum of the user charge rate and the capital cost recovery rate.

SHALL. Is mandatory; **MAY** is permissive.

SS (SUSPENDED SOLIDS). Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter (mg/l).

STATE. The State of Illinois, and each and every present and future department, agency, regulatory body, or subdivision thereof.

SUPERINTENDENT. The Water and Sewer Superintendent of the village or his or her authorized deputy, agent, or representative.

SURCHARGE. A charge levied by the District, in addition to the village user charge, for the treatment of B.O.D. and suspended solids loadings discharged to the village facility that are in excess of 200 mg/l of B.O.D. and/or 250 mg/l of suspended solids.

USEPA (UNITED STATES ENVIRONMENTAL PROTECTION AGENCY). The agency or agencies of the federal government, and divisions thereof or successors thereto, authorized by present and subsequent acts of the Congress thereof to regulate and control matters in respect to the management, maintenance, and operations of the village facility.

USEFUL LIFE. The anticipated term in years of physical or functional productivity as reasonably determined by the village for its facility, equipment, and appurtenances thereto.

USER. Any person who deposits material into the village's facility.

USER CHARGE RATE. The sum of the village's estimated annual sewer operations (O), maintenance (M), replacement (R), and District treatment (T) costs divided by the estimated annual billable flow from all users in thousands of gallons.

USER CHARGE SYSTEM. The system of charges levied on users to recover the costs of operation, maintenance, replacement, and District treatment, pursuant to §§ 204(b)(1)(A) and 201(h)(z) of the Act and 40 C.F.R. pt. 35, Subpart I, plus capital cost recovery charges.

VILLAGE. The Village of Forsyth, Macon County, Illinois.

VILLAGE BOARD OF TRUSTEES. The duly elected and acting Board of Trustees of the village. (Prior Code, § 50.71) (Ord. 294, passed 6-17-1985)

§ 50.097 USER CHARGE SYSTEM.

(A) *Authority.* Pursuant to the Federal Water Pollution Control Act, being 33 U.S.C. §§ 1251 *et seq.* as amended, federal rules, regulations, and guidelines promulgated pursuant to the Act, and pursuant to § 1046 of the Illinois Environmental Protection Act (ILCS Ch. 415, Act 5, §§ 1 *et seq.*), there is hereby imposed and levied upon all users of the village facility charges as are hereinafter fixed to be utilized by the village as hereinafter provided to pay for the village operation, maintenance, replacement, District treatment, and capital recovery costs.

(B) *User charge rate.* The user charge rate shall be the sum of the following:

(1) *O, M, and R charge.* All operation (O), maintenance (M), and replacement (R) costs (in dollars and cents) estimated by the village to be the total yearly cost to the village for the coming fiscal year divided by the total yearly billable flow (in thousands of gallons) estimated to be received for the same period of time from all users of the village's facility; and

(2) *Treatment charge.* All District treatment (T) costs estimated by the village to be the yearly cost to the village for the coming fiscal year divided by the total yearly billable flow in thousands of gallons estimated to be received for the same period of time from all users of the village's facility.

(C) *Capital cost recovery rate.* The capital cost recovery rate shall be the total yearly capital recovery cost to the village for the coming fiscal year divided by the total yearly billable flow (in thousands of gallons) estimated to be received for the same period of time from all users of the village's facility.

(D) *Sewer charge.* The sewer charge for all users connected to a village sanitary sewer shall be a monthly charge levied by the village that is determined as follows:

(1) For the 9-month period of October through June, by multiplying each user's billable flow by the sum of the user charge rate and the capital cost recovery rate; and

(2) For the 3-month period of July through September, by multiplying each user's billable flow average for the preceding 6-month period of January through June, by the sum of the user charge rate and the capital cost recovery rate, or the method described in division (D)(1) above, whichever is less.

(E) *Surcharge.* The surcharge for all nondomestic users connected to a village sanitary sewer or District sewer shall be levied by the District in accordance with the District user charge system.

(F) *Fixed sewer bill; nonmetered users.*

(1) All users not having a water meter or other acceptable device for determining billable flow shall be subject to a fixed sewer bill, which shall consist of a fixed user charge plus a fixed capital cost recovery charge in an amount determined by the village to be equal to those charges imposed on users having similar water use and wastewater characteristics.

(2) The village, at the direction and discretion of the Superintendent, may require a user receiving all or part of his or her water from a private well or other source not metered by the village or other public or private supplier of potable water to install at the user's expense an appropriate metering device for the purpose of determining billable flow.

(G) *Annual review of charges.*

(1) (a) Under the direction of the Village Administrator, the Water and Sewer Superintendent, not less than annually, shall prepare an estimate of cost components for operation, maintenance, replacement, District treatment, and capital cost recovery for the forthcoming fiscal year.

(b) These estimated cost components shall be reviewed no less than annually by the village and approved by the Board of Trustees.

(Ord. 373, passed 9-25-1991)

(2) (a) An estimate shall also be prepared by the Superintendent of the total billable flow for the forthcoming fiscal year.

(b) The estimates of costs shall then be divided by the estimated billable flow to derive the user charge rate and capital cost recovery rate for the forthcoming fiscal year.

(3) (a) User charge rates shall be reviewed annually to determine if the rates will provide sufficient revenues to pay the future costs of operation, maintenance, replacement, and District treatment.

(b) If the present revenues are not sufficient or do not maintain proportionality, as determined by the village, the new user charge rate, as calculated in the Superintendent's review, shall be enacted by the village to replace the rates then in effect.

(c) User charge rates so enacted by the village by ordinance shall remain in effect until modified or rescinded by a subsequent duly passed ordinance.

(H) *Annual notification.* All users shall be notified annually by the village of the user charges, the method of calculation, and how the revenue derived from the user charges will be used.

(I) *Replacement schedule.*

(1) Monies for replacement shall be sufficient to replace any equipment (personal property) owned by the village necessary to assure its continued efficient performance and to maintain the sewer system capacity for which it was designed and constructed.

(2) The service life for personal property shall be established by the village in accordance with the actual experience of the village, federal guidelines, and accepted accounting procedures.

(3) Should personal property be acquired by the village, it shall maintain a depreciation replacement schedule of all personal property, including residual asset value, estimated remaining service life and the total annual replacement costs; and the estimated costs shall be included in the above rate determination.

(4) This schedule shall be evaluated annually.

(J) *Access to records.* The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers, and records of the village which are applicable to the village user charge system for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any EPA grant.

(Ord. 294, passed 6-17-1985; Am. Ord. 305, passed 6-2-1986)

(Prior Code, § 50.72)

§ 50.098 SEWER RATES.

(A) *Generally.* The following sewer rates are hereby established and shall be charged each and every user connected to the village sanitary sewer system.

(B) *Rates.*

(1) User charge rate which shall be levied on all users who discharge wastewater to the village facilities, \$1.95 per 1,000 gallons;

(2) Capital cost recovery rate which shall be levied on all users who discharge wastewater to the village facilities, \$1.00 per 1,000 gallons;

(3) Surcharge rate which shall be levied on all nondomestic users who discharge wastewater with a strength greater than domestic wastewater, in addition to the user rate and capital cost recovery rate:

(a) B.O.D. surcharge - in accordance with Sanitary District of Decatur charges; and

(b) SS surcharge - in accordance with Sanitary District of Decatur charges.

(4) Fixed sewer bill which shall be levied on all domestic village sewer users not having a water meter, \$16.80 per month; and

(5) Minimum sewer bill which shall be the minimum bill levied on any user who discharges wastewater to the village facilities, \$2.95 per month.

(Prior Code, § 50.73) (Ord. 294, passed 6-17-1985; Am. Ord. 782, passed 1-4-2010; Am. Ord. 960, passed 12-7-2015)

§ 50.099 BILLING WHERE TWO METERS ARE INSTALLED.

(A) The owner of any building connected to the village sewer system shall be permitted to install two water meters, which shall register the following:

(1) One shall register the usage of water for outside hose connections and lawn sprinklers; and

(2) The other shall register all other water usage.

(B) The sewer rates established in § 50.098 of this chapter shall be applied only to the water meter registering water usage specified in division (A)(2) above.

(C) The rates and charges as provided in § 51.25 of this code shall be applied separately to each meter.

(D) In the event the customer fails to pay the water bill attributable to either water meter, the service to the premises may be disconnected as provided in § 53.08 of this code.

(E) (1) No second water meter shall be installed for use on or in any premises until an application therefor in writing has been made for that purpose.

(2) Upon proper application, the village shall furnish a water meter, the cost of which shall be paid by the customer at the time of application.

(3) The customer shall be responsible for the proper installation of the meter and associated plumbing according to standards and regulations as set by the Village Public Works Director.

(F) Any person or persons, who make or cause to be made a cross-connection or install any other plumbing device between the two meters described in division (A) above so that the customer's sewer rates are understated shall be subject to a fine of \$1,000.

(Prior Code, § 50.74) (Ord. 294, passed 6-17-1985; Am. Ord. 326, passed 9-8-1987; Am. Ord. 815, passed 2-7-2011; Am. Ord 960, passed 12-7-2015)

§ 50.100 RIGHT OF ENTRY; INDEMNIFICATION.

(A) Any duly authorized employee or agent of the village or the District bearing proper credentials and identification shall at any time be permitted to enter upon all properties within the corporate limits of the village or outside the village for the purpose of inspecting, observing, measuring, sampling, and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this subchapter or the District's user charge system ordinance.

(B) While performing the necessary work on private properties referred to in this section, the duly authorized employees of the village, or the District, shall observe all safety rules applicable to the premises established by the user, and the user shall be held harmless for injury or death to the village or the District employees, and the village or the District shall indemnify the user against loss or damage to its property by village or District employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the user to maintain safe conditions. (Prior Code, § 50.75)

§ 50.101 APPEAL PROCEDURE.

(A) Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this subchapter and shall be entitled to a written reply from the village.

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(B) (1) Any interested party may appeal any decision of the Water and Sewer Superintendent in the enforcement of this subchapter by requesting an informal hearing before the Village Administrator.

(2) The Village Administrator shall fix a reasonable time for a hearing and so notify the interested parties.

(3) The filing of a request for hearing shall stay all proceedings unless the Water and Sewer Superintendent shall file, within 72 hours after the request for informal hearing, a certificate stating that a stay would cause peril to life or property or specify other good reasons.

(Ord. 373, passed 9-25-1991)

(C) (1) Within 5 working days following the hearing, the Village Administrator shall file a written decision with all interested parties.

(2) The decision shall either uphold the Superintendent's action in whole or in part, or shall uphold the petitioner's position.

(Ord. 373, passed 9-25-1991)

(D) (1) The decision of the Village Administrator may be appealed to the Village Board of Trustees by the party or parties, originally appealing the Superintendent's decision.

(2) The appeal must be filed with the Village Clerk within 10 days of receipt of the Village Administrator's decision.

(3) The Village Board of Trustees, at its first regular meeting following receipt of the appeal, shall fix a reasonable time for hearing the appeal, which may be heard in conjunction with a regular meeting of the Board, or at a special meeting of the Board.

(Ord. 373, passed 9-25-1991)

(E) (1) The hearing shall be open to the public.

(2) Petitioners shall be given full opportunity to present evidence in support of their petition after which the Superintendent may present evidence in support of his or her decision.

(3) Rebuttal by petitioners shall be limited to new matters raised by the Superintendent and not covered in their original statements.

(Ord. 373, passed 9-25-1991)

(F) (1) The Village Board of Trustees shall decide the appeal within a reasonable time and notify the interested parties.

(2) The minutes of the Board shall constitute the official record of the petition, hearing, and decision.

(3) Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at his or her own expense.

(Ord. 373, passed 9-25-1991)

(Prior Code, § 50.76)

§ 50.999 PENALTY.

(A) Any person who shall continue any violation of this chapter beyond the time limit provided for in § 50.016(A), for which another penalty is not provided, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount of not more than \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate violation.

(Ord. 204, passed 11-20-1978)

(B) Any person, firm, corporation, or institution, public or private, that violates any provision of § 50.012 shall be guilty of a petty offense, and upon conviction shall be fined \$25 per day for each day the violation exists.

(Ord. 259, passed 10-18-1982)

(Prior Code, § 50.99)

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CHAPTER 51: WATER

Section

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GENERAL PROVISIONS**§ 51.01 WATER AND SEWER DEPARTMENT ESTABLISHED; SUPERINTENDENT.**

There is established the Water and Sewer Department. The Village Administrator is authorized to appoint the Superintendent of the Water and Sewer Department and all other necessary employees. The Superintendent shall have the general management and control of the waterworks system, subject, however, to the supervision of the Village Administrator.
(Prior Code, § 51.01) (Ord. 373, passed 9-25-1991)

§ 51.02 TURNING WATER ON; APPLICATION.

No water shall be turned on for use on or in any premises until an application therefor in writing has been made for that purpose and filed with the Village Clerk, stating the purpose for which the water is to be used.
(Prior Code, § 51.02) Penalty, see § 51.99

§ 51.03 (RESERVED).**§ 51.04 (RESERVED).****§ 51.05 (RESERVED).****§ 51.06 (RESERVED).**

§ 51.07 WATER METERS.

All water meters shall be the property of the village and shall be maintained by the village. If any water meter at any time fails to register the quantity of water running through it, the billable flow shall be estimated by the village and the charge made, based on the average quantity registered during the month preceding the date of the failure. All meters shall be sealed.

(Prior Code, § 51.07) (Ord. 79, passed 5-20-1966; Am. Ord. 960, passed 12-7-2015)

§ 51.08 (RESERVED).

§ 51.09 (RESERVED).

§ 51.10 RIGHT OF ENTRY; FINE.

Employees of the waterworks system of the village shall have the right, at all times, upon reasonable notice and at reasonable times, of access to any person's premises for the purpose of ascertaining the number and type of water connections to the system. Any person refusing the right to permit the employees of the waterworks system the above described right of access to his or her premises shall be subject to a fine as hereinafter provided.

(Prior Code, § 51.10) (Ord. 79, passed 5-29-1966) Penalty, see § 51.99

§ 51.11 (RESERVED).

§ 51.12 ACCESS TO RECORDS.

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers, and records of the Village of Forsyth which are applicable to the Village of Forsyth system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of the IEPA Loan Agreement and Rules. (Ord. 587, passed 2-18-2003)

§ 51.13 APPEALS.

The method for computation of rates and service charges established for user charges in this chapter shall be made available to a user within 30 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village Administrator within 30 days after notification of a formal written appeal outlining the discrepancies. (Ord. 587, passed 2-18-2003)

§ 51.14 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Administrator of the U.S. Environmental Protection Agency.

BASIC USER CHARGE. The basic assessment levied on all users of the public water system.

CAPITAL IMPROVEMENT CHARGE. A charge levied on users to improve, extend, or reconstruct the water works.

CURB COCK. A shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called **CURB STOP**.

DEBT SERVICE CHARGE. The amount to be paid each billing period for payment of interest, principal, and coverage of (loan, bond, and the like) outstanding.

DIRECTOR. The Director of the Illinois Environmental Protection Agency.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FEDERAL ACT. The Federal 1996 Safe Drinking Water Acts Amendments, being 42 U.S.C. §§ 300 *et seq.*

LOCAL CAPITAL COST CHARGE. Charges for costs other than the operation, maintenance, and replacement costs, i.e., debt service and capital improvement costs.

MILLIGRAMS PER LITER. A unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

PERSON. 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.

pH. The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by 1 of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

ppm. Parts per million by weight.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which the works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement.

SERVICE BOX. A valve box used with corporation or curb cock.

SHALL. Is mandatory; **MAY** is permissible.

STATE ACT. The Illinois Anti-Pollution Bond Act of 1970, being ILCS Ch. 30, Act 405.

STATE LOAN. The State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act, being ILCS Ch. 30, Act 405, and for making the loans as filed with the Secretary of State of the State of Illinois.

USEFUL LIFE. The estimated period during which the waterworks will be operated.

USER CHARGE. A charge levied on users of waterworks for the cost of operation, maintenance, and replacement.

WATER FUND. The principal accounting designation for all revenues received in the operation of the water system.

WATER SERVICE CHARGE. The charge per month levied on all users of the water facilities. The service charge shall be computed as outlined in this chapter and shall consist of the total of the basic user charge and the local capital cost if applicable.

(Ord. 587, passed 2-18-2003)

§ 51.15 GROUNDWATER AS POTABLE WATER SUPPLY.

(A) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

(B) *Use of groundwater as a potable water supply prohibited.* The use or attempt to use as a potable water supply groundwater within the area identified on Exhibit A, attached to Ordinance 871 and incorporated by reference as if fully set forth herein, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Forsyth.

(C) *Penalties.* Any person violating the provisions of this section shall be subject to a fine of up to \$750 for each violation.
(Ord. 871, passed 12-17-2012)

RATES AND CHARGES

§ 51.25 MONTHLY CHARGE; ADDITIONAL METER.

(A) There are established rates and charges for the use of and for the services supplied by the waterworks system of the village based upon the amount of water consumed as shown by water meters as follows:

<i>Monthly Meter Charge</i>	
3/4 inch	\$4.30
1 inch	\$8.64
1½ inches	\$20.38

Forsyth - Public Works

<i>Monthly Meter Charge</i>	
2 inches	\$24.94
3 inches	\$41.50
4 inches	\$75.55
<i>Monthly Water Usage Charge</i>	
Minimum charge shall be the monthly meter charge	
<i>Residential</i>	
\$2.37 per 1,000 gallons	
<i>Commercial and Industrial</i>	
\$2.37 per 1,000 gallons for the first 20,000 gal.	
\$1.98 per 1,000 gallons for all over 20,000 gal.	

(B) The above rates shall be charged per individual family unit for residential use, and per building unit for commercial and industrial use. Each unit shall have a meter.
 (Prior Code, § 51.20) (Ord. 79, passed 5-20-1966; Am. Ord. 150, passed 5-5-1975; Am. Ord. 447, passed 3-20-1995; Am. Ord. 791, passed 5-17-2010)

§ 51.26 WATER SERVICE OUTSIDE CORPORATE LIMITS.

Customers outside the corporate limits shall pay the rates provided in § 51.25 plus a surcharge of 50%.
 (Prior Code, § 51.21) (Ord. 79, passed 5-20-1966; Am. Ord. 562, passed 2-4-2002) Penalty, see § 51.99

§ 51.27 BULK WATER.

Bulk water shall be sold to vehicles loading at a location designated by the village at the rate of \$5 per 1,000 gallons.
 (Prior Code, § 51.22) (Ord. 79, passed 5-20-1966; Am. Ord. 447, passed 3-20-1995)

§ 51.28 CHARGES TO VILLAGE; WATER FUND.

(A) Charges to the village shall be paid monthly in the amount of \$150, which is hereby determined as sufficient payment for use of water by the municipality and for the general benefit of the village.

(B) Payment shall be made monthly from funds available for that purpose into the water fund. (Prior Code, § 51.23) (Ord. 79, passed 5-20-1966)

§ 51.29 (RESERVED).**§ 51.30 (RESERVED).****§ 51.31 REVIEWS AND AUDITS; REVISIONS.**

The adequacy of the water service charge shall be reviewed, not less often than annually, by certified public accountants for the Village of Forsyth in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M, and R costs. (Ord. 587, passed 2-18-2003)

CONNECTIONS**§ 51.45 HOUSE CONNECTION; PERMIT.**

(A) (1) No house connection shall be made with the waterworks system without a written permit.

(2) Before a permit shall be issued, the applicant shall pay a \$550 tapping fee, plus costs to the village for furnishing service to the applicant, including the cost of a water meter, the cost to be determined by the Mayor and Board of Trustees from time to time.

(B) (1) All house services shall consist of a brass corporation cock, type K copper tubing which shall extend to a curb stop, with the curb box to be located on or near the property line of the customer.

(2) Type K copper tubing shall be extended from the curb stop to the customer residence, and shall terminate with a valve ahead of the meter station.

(3) All services shall be at least 3 feet, 6 inches, below the ground surface.

(4) Connections to the water main shall be done only by a plumber licensed by the state and in compliance with the Illinois State Plumbing Code.

(C) Any connection or opening made with the waterworks system without a permit, or in any manner different than modes prescribed for the openings or connections, will subject the maker to a fine as hereinafter provided.

(D) Billing where multiple meters are installed.

(1) The owner of any building connected to the village sewer system shall be permitted to install multiple water meters, which shall register the following:

(a) One or more shall register the usage of water for outside hose connections and lawn sprinklers; and

(b) One or more shall register all other water usage.

(2) The sewer rates established in § 50.098 shall be applied only to the water meter registering water usage as specified in division (D)(1)(b) above.

(3) Customers shall be billed for each meter as a separate account and each meter shall be subject to the minimum charges as provided in § 51.29.

(4) The rates and charges as provided in § 51.25 shall be applied separately to each meter.

(5) In the event the customer fails to pay the water bill attributable to either water meter, the service to the property may be disconnected as provided in § 51.04.

(6) (a) No second or additional water meter shall be installed for use on or in any premises until an application therefor in writing has been made for that purpose and filed with the Village Clerk.

(b) Upon proper application, the village shall furnish a water meter, the cost of which shall be paid by the customer at the time of application.

(c) The customer shall be responsible for the proper installation of the meter and associated plumbing according to standards and regulations as set by the Village Public Works Director.

(7) Any person or persons, who make or cause to be made a cross-connection or install any other plumbing device between the 2 or more meters described in division (D)(1) above so that the customer's sewer rates are understated, shall be subject to a fine of \$1,000.

(Prior Code, § 51.35) (Ord. 79, passed 5-20-1966; Am. Ord. 98, passed 2-19-1968; Am. Ord. 326, passed 9-8-1987; Am. Ord. 622, passed 7-6-2004) Penalty, see § 51.99

§ 51.46 PERMITS.

(A) The Mayor and Board of Trustees are authorized to establish the rules, regulations, and charges for the granting of these permits and amending them from time to time as may be deemed necessary.

(B) The Village Administrator, or his or her designee, is authorized to grant the permits as they may deem proper insofar as the permits are in compliance with the policies as determined by the Mayor and Board of Trustees.

(Prior Code, § 51.36) (Ord. 373, passed 9-25-1991)

§ 51.47 WATER MAIN EXTENSIONS.

All water main extensions shall be constructed to the standards and specifications approved by Village Board.

(Prior Code, § 51.67) (Ord. 79, passed 5-20-1966) Penalty, see § 51.99

§ 51.48 COMPLIANCE WITH SPECIFICATIONS AND RULES.

(A) The Mayor and Board of Trustees are authorized to make the rules and regulations consistent with this chapter for connection to the waterworks system or extension of the waterworks system, specifying the types and sizes of pipes and all other appurtenances thereto and to amend the same from time to time as may be deemed necessary.

(B) (1) All house connections and water main extensions to the waterworks system shall comply with these specifications and rules.

(2) Any person, firm, or corporation not complying with the specifications and rules for house connections and water main extensions to the waterworks system shall be subject to a fine as hereinafter provided.

(Prior Code, § 51.68) (Ord. 79, passed 5-20-1966) Penalty, see § 51.99

CROSS-CONNECTION CONTROL

§ 51.60 ADOPTION OF ILLINOIS PLUMBING CODE AND CROSS-CONNECTION CONTROL.

(A) All plumbing installed within the village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

(B) If in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Water and Sewer Superintendent will give notice to the water customer to install such an approved device immediately.

(C) The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, and all applicable local regulations and shall have inspections and tests made of the approved device upon installation as required by the Illinois Plumbing Code, the Illinois Environmental Protection Agency, and local regulations.
(Prior Code, § 51.45) (Ord. 376, passed 11-4-1991)

§ 51.61 PRIVATE WATER SUPPLY.

No person, firm, or corporation 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 that municipality, unless the private, auxiliary, or emergency water supply and the method of connection and use of the supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency.

(Prior Code, § 51.46) (Ord. 324, passed 8-17-1987) Penalty, see § 51.99

§ 51.62 INSPECTION OF PROPERTIES.

(A) (1) It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial, industrial, and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist.

(2) The surveys and investigations shall be made a matter of public record and shall be repeated at least every 2 years, or as often as the Superintendent shall deem necessary.

(3) Records of the surveys shall be maintained and available for review for a period of at least 5 years.

(B) (1) The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village for the purpose of verifying the presence or absence of cross-connections, and the Superintendent or his or 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 the required cross-connection control inspection.

(2) On demand, the owners, lessees, or occupants of any property so served shall furnish to the Superintendent any information which he or she may request regarding the piping system or systems or water use on the property.

(3) The refusal of the information, when demanded, shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this subchapter.

(Prior Code, § 51.47) (Ord. 324, passed 8-17-1987)

§ 51.63 DISCONTINUANCE OF WATER SERVICE; RESTORATION.

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this subchapter is known to exist, and to take the other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains.

(B) Water service to the property shall not be restored until the conditions have been eliminated or corrected in compliance with the provisions of this subchapter, and until a reconnection fee of \$1,000 is paid to the village.

(C) Immediate disconnection with verbal notice can be effected when the Superintendent is assured that imminent danger of harmful contamination of the public water supply system exists.

(D) The action shall be followed by written notification of the cause of disconnection.

(E) Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent or the Illinois Environmental Protection Agency, the action is required to prevent actual or potential contamination or pollution of the public water supply.

(F) Neither the Public Water Supply, the Superintendent, or its agents or assigns shall be liable to any customer for any injury, damages, or lost revenues which may result from termination of that customer's water supply in accordance with the terms of this subchapter, whether or not that termination was with or without notice.

(Prior Code, § 51.48) (Ord. 324, passed 8-17-1987)

§ 51.64 CLEANUP OF WATER SUPPLY SYSTEM.

The customer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system.

(Prior Code, § 51.49) (Ord. 324, passed 8-17-1987)

§ 51.99 PENALTY.

(A) Any person, firm, corporation, association, agent, or legal representative violating the provisions of this chapter shall be subject to a fine of not less than \$25 nor more than \$500 for each offense.

(B) A separate offense shall be deemed committed upon each day during or on which a violation as aforesaid occurs or continues.

(Prior Code, § 51.99) (Ord. 79, passed 5-20-1966)

CHAPTER 52: ELECTRICITY AGGREGATION PROGRAM

Section

52.01 Adoption of Plan

§ 52.01 ADOPTION OF PLAN.

(A) *Adoption.* The village's Electricity Aggregation Program Plan of Operation and Governance, in substantially the form of the copy of said Plan attached to Ordinance 870 and incorporated by reference as if fully set forth herein, be and the same is hereby adopted and authorized.

(B) *Approval of electrical aggregation.* The Village Board hereby authorizes the implementation of an opt-out aggregation program for its residential and small commercial retail customers. The village's electricity aggregation program shall be operated and governed in accordance with the Electricity Aggregation Program Plan of Operation and Governance, the applicable provisions of the Illinois Power Agency Act, and any applicable rules and regulations that are now or in the future adopted pursuant to the Act.

(Ord. 870, passed 12-3-2012)

CHAPTER 53: UTILITY BILLING AND COLLECTION POLICIES AND PROCEDURES

Section

- 53.01 Definition of utility
- 53.02 Liability for payment of charges for services
- 53.03 Billings; due date of bills; penalty for late payment
- 53.04 Application of payments
- 53.05 Adjustments
- 53.06 Credits and refunds
- 53.07 Dishonor of payment
- 53.08 Delinquent utility accounts; notification of delinquency; disconnections
- 53.09 Reconnections
- 53.10 Dispute resolution procedure
- 53.11 Collection actions
- 53.12 Liens
- 53.13 Bankruptcies

§ 53.01 DEFINITION OF UTILITY.

As used in this chapter, *UTILITY* refers to the village's waste water system and water system, as well as any other utility system which may hereafter be acquired or developed by the village. (Ord. 960, passed 12-7-2015)

§ 53.02 LIABILITY FOR PAYMENT OF CHARGES FOR SERVICES.

The services of each village utility shall be deemed to be furnished to the owner of the premises, the occupant thereof, and the user of the services jointly and severally liable for the payment of all charges for such services. Such services are furnished to the premises by the village only upon the condition that the owner of the premises, the occupant thereof, and the user of the services are jointly and severally liable therefor to the village. (Ord. 960, passed 12-7-2015)

§ 53.03 BILLINGS; DUE DATE OF BILLS; PENALTY FOR LATE PAYMENT.

(A) Bills for utility service shall be rendered on or before the first day of every other month. Said bills for utility service shall be due in full on the twentieth day of the same month in which they are

rendered. If the twentieth day of the month falls on a Saturday, Sunday, or holiday observed by the village, then said bills for utility service shall be due in full on the next following business day.

(B) If payment in full is not received by the village at or before 5:00 p.m. on the aforesaid due date, then a late payment penalty of 10% of the unpaid amount shall be imposed.

(C) Failure to receive a utility bill shall not excuse a customer from his or her obligation to pay within the time period specified.

(Ord. 960, passed 12-7-2015)

§ 53.04 APPLICATION OF PAYMENTS.

Payments, when received, shall be applied by date to outstanding charges in the following order of priority or sequence: penalties, fees and service charges, charges for sewer service, and charges for water service.

(Ord. 960, passed 12-7-2015)

§ 53.05 ADJUSTMENTS.

It is hereby declared to be the policy of the village that no adjustments of water or sewer charges shall be made in the event of a water leak and that no adjustments of sewer charges shall be made to account for any water that, for whatever reason or under whatever circumstances, may not be collected and treated by the village's waste water system, except as provided for in § 50.099 of this code.

(Ord. 960, passed 12-7-2015)

§ 53.06 CREDITS AND REFUNDS.

Whenever the village or a utility customer discovers that there has been an error in billing and an overpayment has been made by the customer, the village shall credit the amount overpaid by the utility customer against the next following utility bill. The village shall issue a cash refund only if the utility customer is no longer receiving utility service from the village at the time of the discovery of such error or if the amount of the credit is greater than \$100 and due to a residential customer. No credit or refund shall be issued by the village for errors occurring over 6 months prior to the date of the discovery of such error.

(Ord. 960, passed 12-7-2015)

§ 53.07 DISHONOR OF PAYMENT.

(A) Whenever a payment, regardless of the form or method of such payment, is tendered to the village for payment of utility charges and is dishonored by the financial institution upon which it is

drawn because of insufficient funds in the account against which it was drawn or for any other lawful reason, then a processing charge of \$25 shall be imposed by the village and added to the account and thereon be due and payable.

(B) Utility customers who have tendered payment, regardless of the form or method of such payment, to the village for payment of utility charges that has been dishonored by the financial institution upon which it is drawn because of insufficient funds in the account against which it was drawn or for any other lawful reason three times in a period of 12 consecutive months shall be required to remit payment of their utility bills by cash, certified check, or money order until an acceptable payment history has been established. For the purposes of this section, an **ACCEPTABLE PAYMENT HISTORY** is defined as paying the full amount of utility charges and having no delinquent utility bills in the previous 12 consecutive months.

(Ord. 960, passed 12-7-2015)

§ 53.08 DELINQUENT UTILITY ACCOUNTS; NOTIFICATION OF DELINQUENCY; DISCONNECTIONS.

(A) In the event payment in full, including the late payment penalty, is not received by the village by 5:00 p.m. on the fortieth day following rendition of the bill for such utility service, such utility account/the charges shall be deemed and are hereby declared to be delinquent.

(B) In the event a utility account is deemed to be delinquent, a notice of delinquency shall be sent by first class mail to the owner of the premises, the occupant thereof, and user of the services. Such notice of delinquency shall indicate that the utility account is delinquent, the amount that is delinquent, and that utility service is to be disconnected unless the delinquent amount is paid in full by the date indicated. Said notice shall also specifically inform the utility customer of the following:

(1) That the utility customer may request a hearing on the matter in accordance with the dispute resolution procedure set forth in § 53.10 of this chapter; and

(2) That said request must be made within 5 business days of the date of said notice of delinquency; and

(3) That if said request is made, a hearing will be held within 10 business days of the date of said notice of delinquency; and

(4) That utility service will be disconnected within 10 business days of the date of said notice of delinquency if no request for a hearing is made.

(C) Delinquent utility customers shall have until the close of business on the tenth business day from the date of said notice of delinquency to:

(1) Pay the bill in full; or

(2) Resolve the matter in accordance with the dispute resolution procedure set forth in § 53.10 of this chapter.

(D) If the delinquent utility customer fails to perform one of these requirements by the deadline stated in the notice of delinquency, utility services shall be disconnected by the village.
(Ord. 960, passed 12-7-2015)

§ 53.09 RECONNECTIONS.

(A) In the event utility service has been disconnected due to nonpayment of bills, then such utility service shall not be reconnected until all outstanding bills for utility service to the premises and any late payment penalty have been paid in full.

(B) If such a reconnection is made during regular working hours (7:00 a.m. - 4:00 p.m.), a reconnection service charge of \$50 shall be charged to the utility account. If such a reconnection is made after regular working hours, on a weekend, or on a holiday observed by the village, a reconnection service charge of \$100 shall be charged to the utility account.
(Ord. 960, passed 12-7-2015)

§ 53.10 DISPUTE RESOLUTION PROCEDURE.

(A) Village utility billing personnel shall be available during regular business hours to receive and consider disputes of any customer relative to an account for utility service. Customers having a dispute which cannot be resolved by utility billing personnel may request a hearing in writing.

(B) Requests for a hearing shall be made in writing and contain the name, address, and telephone number of the person requesting the hearing, the address at which utility service is received and which is the subject of the dispute, the specific grounds or reasons for which the hearing is requested, and the specific relief requested.

(C) Upon filing a request for a hearing, a hearing shall be scheduled with the customer. If the customer has been sent a notice of delinquency, the hearing shall be scheduled on or before the disconnection date specified in the notice of delinquency.

(D) The Village Administrator, or his or her designee, shall serve as hearing officer for any hearings which may be held under this section. The decision of the hearing officer with respect to the dispute shall be final.

(E) The village shall not disconnect the utility service of any person for nonpayment during the pendency of the dispute if:

- (1) Written notice is given to the village utility office as herein provided; and
- (2) Payment of all undisputed portions of the bill is made; and
- (3) All charges made during the pendency of the dispute are paid as they become due; and

(4) The person making the complaint or dispute enters into a bona fide effort to resolve the disputed matter with all due dispatch.

(F) If the findings reached at the aforesaid hearing are adverse to the customer, said decision shall be reduced to writing, with a copy thereof to be forwarded to said customer by first class mail. Said decision should also contain the date on which utility service to the customer in question will be discontinued.

(Ord. 960, passed 12-7-2015)

§ 53.11 COLLECTION ACTIONS.

(A) It shall be the duty of the Village Administrator and all other officers of this village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims for money due to the village and to prosecute and force those claims in the manner, form, and time as permitted by the laws of the State of Illinois.

(B) The Village Administrator is hereby authorized to turn any delinquent account over to a collection agency or attorney retained by the village for collection. In the event the village sues to collect an account, the village shall be entitled to recover, in addition to the amounts due, its costs, expenses, and reasonable attorney fees incurred in collecting the debt.

(Ord. 960, passed 12-7-2015)

§ 53.12 LIENS.

(A) The amount of any utility bill which is delinquent shall constitute a lien upon the real estate for which such services were rendered.

(B) The Village Administrator is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Macon County, Illinois, and the filing of such statements shall be deemed notice for payment of such charges for such utility services.

(C) No lien shall be defeated upon proof that such utility service was used or contracted for by a tenant of the premises or occupant thereof other than the owner.

(D) The village may file or cause to be filed a complaint in the Circuit Court of Macon County for the foreclosure of a lien for utility service in the same manner as a foreclosure of a real estate mortgage. (Ord. 960, passed 12-7-2015)

§ 53.13 BANKRUPTCIES.

(A) In the event a utility customer files for bankruptcy, the village will continue to provide utility services to said utility customer, provided that, within 20 days after the date of the order for relief, or within 30 days after the date of the order for relief for Chapter 11 filings, the utility customer:

(1) Deposits an amount equal to 2 times the highest billing in the preceding 12-month period with the village as security and adequate assurance that the village will be paid for all utility services which it provides to the customer, which shall be maintained for a period of one year; and

(2) Signs an agreement with the village in a form acceptable to the village for the continued provision of utility services, the term of which shall be for a period of one year, commencing from the date of execution of the agreement.

(B) The village will continue to provide said utility customer with utility services, provided that the utility customer remains current and timely pays for all utility services provided by the village. In the event the utility customer does not remain current or timely pay for all utility services provided by the village, then the village shall have the right to do any or all of the following:

(1) Immediately terminate the utility services to the utility customer without further notice.

(2) Apply the aforementioned deposit to any delinquent amounts.

(3) Take any further action necessary to collect any additional amounts which may be due by the utility customer for utility services rendered.

(C) At the conclusion of the aforementioned one-year period, the village shall refund the aforementioned deposit to the utility customer, upon the request of the utility customer, provided that the utility account of the utility customer is current. In the event that the utility account of the utility customer is not current, then the deposit shall be applied to any delinquent amount. Any amount of the deposit returned to the utility customer shall be returned without interest.

(Ord. 960, passed 12-7-2015)

