

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

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

38-1-2 **WATER, SEWER AND STREET COMMITTEE.** The Village Board standing committee on Water, Sewer and Streets shall exercise a general supervision over the affairs of the Departments. It shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department. It shall hereinafter be referred to as "Committee".

38-1-3 **SUPERINTENDENT.** The Superintendent of Water, Sewer and Streets shall be subject to the supervision of the Committee and shall be hereinafter be referred to as the "**Superintendent**". The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the Village Board and shall hold office until a successor is appointed and qualified. The Superintendent shall receive such salary as may be provided by the annual budget of the Village Board at the time of the appointment.

38-1-4 **DUTIES OF THE SUPERINTENDENT.** The Superintendent shall exercise general management and control over the respective department and

(A) shall supervise over and be responsible for the conduct and performance of all employees of the department as a Department Head in accordance with the Employee Code, if any.

(B) shall be responsible for the operation and maintenance of the Village 's water system and sewer system as provided in this Code.

(C) shall be the custodian of all vehicles, equipment, structures, and property provided by the Village for the use of his department.

(D) shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(E) shall perform such other duties as may be assigned to him by the provisions of this Code or by the Village Board.

ARTICLE II – UTILITY REGULATIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

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

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

(C) **Using Services Without Paying.** Any person using utility services from the Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewer system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code. **(See Section 38-10-2)**

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the deposit as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account. **(See Section 38-10-3)**

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

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

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

- (1) All bills for water services shall be due and payable upon presentation and if a bill is not paid by the **twenty-second (22nd) day** of the month, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services.

- (2) Any customer who fails to pay the utility bills within **thirty (30) days** of presentation shall have the utility services disconnected after a written notice by the Clerk has been posted on the customer's door, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **seventeen (17) days** after billing, specifically advising the customer of the following:
- (a) Name and address of the customer and amount due for services including late penalties.
 - (b) The date, time, and location of the hearing to be held.
 - (c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
 - (d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
 - (e) The date of termination.
- [See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)] (See Exhibit "A")**
- (3) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing. **(See Appendix #6)**
- (4) The customer shall be notified within **five (5) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the Village shall also have the right to terminate the customer's utility services without further proceedings.
- (6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the Village shall notify the owner of the property by first-class mail.
- (7) Once utility services have been disconnected the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Fifty Dollars (\$50.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.

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

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein. **(See 65 ILCS 5/11-139-8) (See Section 38-10-7)**

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village.

The Village Attorney is hereby authorized to institute such proceedings in the name of the Village in any Court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **ninety (90) days** after it has been rendered. **(See 65 ILCS 5/11-139-8) (See Section 38-10-8)**

38-2-2 **CONSUMER LISTS.** It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested. **(See Section 38-5-7)**

38-2-3 **FILED IN RECORDER OF DEEDS.** A copy of this Chapter properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of the County, and shall be deemed notice to all owners of real estate of liability for service supplied to any user of the service of the waterworks system of said Village on their properties.

38-2-4 **LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village. **(See Section 38-5-9)**

38-2-5 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-6 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-7 **METER MALFUNCTION.** Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of **Fifty Dollars (\$50.00)**. If upon test the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the **Fifty Dollar (\$50.00)** fee returned to the consumer. **(See Section 38-8-3(C))**

38-2-8 **UTILITY DEPOSITS.**
(A) **Property Owner.** A water deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant, before any water will be turned on to any premises. The deposit shall be retained by the Village until the user discontinues water use from the Village at which time the deposit will be returned to the user within **ninety (90) days** after utility services have been terminated. **(See Section 38-5-8)**

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the Village as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

(A) **Federal Government.**

- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
- (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **State Government.**

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

(C) **Local Government.**

- (1) **"Approving Authority"** means the Board of Trustees of the Village of Hamel or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.

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

(E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.

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

- (1) **"ppm"** shall mean parts per million by weight.
- (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
- (3) **"PH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(G)

- (1) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
- (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.

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

38-3-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the Village shall file a written application at the Village Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Appendix #1) (See Section 38-2-3)**

38-3-3 CONNECTIONS REQUIRED. The owner or occupant of any structure that uses water and is located on property within the Village limits shall cause such structure to be connected with the waterworks system within **ninety (90) days** from the date that water mains become within **two hundred (200) feet** of the property line of said structure.

38-3-4 **USE OF PUBLIC WATER SERVICE - METERS REQUIRED.** All premises using the Village water supply, whether for domestic, commercial, or industrial use, must be equipped with an adequate water meter. All meters placed in service on any premises using the Village's water supply will be provided and owned by the Village Utility Department, which retains the right to inspect, repair and replace them upon reasonable notice to the owner of the premises. When a meter owned by the Village Utility Department is placed in service, other than as a replacement for a meter owned by the Village already in use, the property owner or other person receiving such service shall pay a connection fee as herein specified.

38-3-5 **METER LOCATION.** All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing, and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Superintendent. Water will not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

38-3-6 **EXCAVATIONS FOR CONNECTIONS.** Excavations for installing service pipe and laterals or repairing the same shall be made in compliance with the provisions in Chapter 33 relating to making excavations in streets, provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drainpipe or sewer later.

38-3-7 **ALL SERVICE TO BE BY METER.** All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Superintendent. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with. **(See Section 38-8-3)**

38-3-8 **REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-9 **SHUT-OFF BOXES.** Shut-off boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

38-3-10 INSTALLING AND MAINTAINING SERVICE LINES. The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **one (1) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter. **(See Section 38-8-2 and 38-3-4 in part)**

38-3-11 WATER SERVICE TO MORE THAN ONE (1) PREMISE. No owner or plumber shall be permitted to connect water pipes into any **two (2)** distinct premises or apartments unless separate and distinct stop-cocks shall be placed on the outside of each such premises at an appropriate location, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. Duplex flats, double houses and apartment houses shall be considered as one "premises". A "premises" shall be construed to cover all buildings and divisions under one common roof, owned by one party, who will be charged for all service to such premises.

38-3-12 INSPECTION.

(A) **Access to Premises.** The Village shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the Village. The Village shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the Village or the supply or fixtures of other consumers. **(See Section 38-8-4)**

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours. **(See Section 38-8-5)**

38-3-13 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the Village for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage. **(See Section 38-3-9)**

38-3-14 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the

express condition that the Village shall not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, extensions or renewals.

38-3-15 RESALE OF WATER. No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both. **(See Section 38-6-3)**

38-3-16 DISCONTINUING SERVICE - DANGEROUS USAGE. The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom. **(See Section 38-8-6)**

38-3-17 ELECTRIC GROUND WIRES. All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the Village. The Village shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the Village caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the Village. If not so disconnected **five (5) days** after notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs. **(See Section 38-8-7)**

38-3-18 WATER FOR BUILDING OR CONSTRUCTION PURPOSES. Applicants desiring to use water from the Village Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water Department for that purpose.

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

38-3-19 FIRE HYDRANTS.

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

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

(C) All public fire hydrants located outside the Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the Village may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them. **(See Section 38-8-10)**

38-3-20 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the Village water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

- (1) the washing of cars and other vehicles;
- (2) the sprinkling of lawns and shrubbery;
- (3) the watering of gardens;
- (4) other nonessential uses;

and it shall be unlawful for any person to so use water from the Village supply during such an emergency.

38-3-21 SHORTAGE AND PURITY OF SUPPLY. The Village shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or Village's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage. **(See Section 38-8-8)**

38-3-22 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the Village shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied. **(See Section 38-8-9)**

38-3-23 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the Village and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

38-3-24 USE OF WATER ON CONSUMER'S PREMISES. The Village shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the Village for the water used by the Village.

38-3-25 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND VILLAGE. The Village shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the Village's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-26 VILLAGE NOT LIABLE FOR INTERRUPTION OF SUPPLY. The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The Village shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the Village will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any Village street improvements, the Village will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby. **(See Section 38-10-1)**

38-3-27 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. The use or attempt to use as a potable water supply, groundwater from within the "restricted areas" (specified in Appendix "A" and "B") of the Village, by the installation of drilling wells or by any other method is hereby prohibited.

(A) **Penalties.** A violation, by any person, corporation or otherwise, whether as principal, agent, employee or otherwise, of any provision of this Section shall be a misdemeanor and will be subject to a fine of not less than **One Hundred Dollars (\$100.00)**

nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day of the continued violation shall constitute a separate offense and additional violation. The remedies herein are cumulative and not exclusive. Nothing herein shall limit any other right or remedy of the Village or any other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

(B) **Definitions.**

- (1) **"Person"** is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision including the Village, or any other legal entity, or their legal representatives, agents or assigns.
- (2) **"Potable Water"** is any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(Ord. No. 14-010; 08-12-14)

38-3-28 ABANDONED CONNECTION. Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

38-3-29 ALTERNATIVE WATER SOURCE. Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

38-3-30 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby. **(See Section 38-6-2)**

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-31 APPROVED BACKFLOW DEVICE. All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-32 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-33 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-34 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

38-3-35 NOTICE TO CUSTOMER; RECONNECT FEE.
(A) The Village Clerk 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 Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the Village Clerk.

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

(C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-36 **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

38-3-37 - 38-3-40 **RESERVED.**

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-41 **PURPOSE.** The purpose of these Rules and Regulations is:

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

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

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

38-3-42 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

38-3-43 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-3-47(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-44 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

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

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of

State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

“Public Water Supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or

severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

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

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

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

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

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

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

38-3-45 WATER SYSTEM.

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

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

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

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

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

38-3-46 CROSS-CONNECTION PROHIBITED.

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

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

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

38-3-47 SURVEY AND INVESTIGATIONS.

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

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

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

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

- (4) Testing and Records
 - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).
 - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - (d) A maintenance log shall be maintained and include:
 - 1. date of each test;
 - 2. name and approval number of person performing the test;
 - 3. test results;
 - 4. repairs or servicing required;
 - 5. repairs and date completed; and
 - 6. serving performed and date completed.

38-3-48 WHERE PROTECTION IS REQUIRED.

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

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

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

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent determines that no actual or potential hazard to the public water supply system exists:

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

38-3-49 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under **Section 38-3-48** of these regulations shall depend on the degree of hazard which exists as follows:

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

(B) The type of protection required under **Section 38-3-48** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or

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

38-3-50 BACKFLOW PREVENTION DEVICES.

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

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

38-3-51 INSPECTION AND MAINTENANCE.

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

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

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;

- (5) repairs and date completed; and
- (6) servicing performed and date completed.
- (E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.
- (F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-52 BOOSTER PUMPS.

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

38-3-53 VIOLATIONS AND PENALTIES.

- (A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- (B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.
- (C) Neither the Village, the Superintendent, or its agents or assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Chapter, whether or not said termination of the water supply was with or without notice.
- (D) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.
- (E) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.
- (F) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.

38-3-54 - 38-3-60 RESERVED.

DIVISION IV - EXTENSION OF MAINS

38-3-61 APPLICATION. Any person, firm or corporation within the service areas of the Water System and desiring the extension of the mains to the premises shall make application therefore to the Village Clerk and in making the application, shall present to the Village Clerk, a plat showing the area to be served by the main extension.

38-3-62 PLAT OF PROPOSED EXTENSION. The plat shall be submitted by the Village Clerk to the Engineer and the Committee of the Village Board for determination of the size and lengths of the utilities installations, location of fire hydrants, water service valves and other appurtenances to be installed based upon the following requirements:

(A) Mains shall be sized so that fire protection services may be rendered to all lots or premises to be served by the main and any possible extension thereof.

(B) Fire hydrants shall be so located that no premises will be more than **four hundred (400) feet** from a fire hydrant.

(C) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property, and if the last lot to be served is a corner lot or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersecting street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.

(D) The Village may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the Village to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed. Main trunk lines may be installed by the Village at no cost to the developer, however, lots or properties fronting directly thereon which may be served by a service connection to the main will be charged the average amount per connection as found in subdivisions currently being constructed.

(E) The Village reserves the right to further extend its water mains from and beyond the terminus of each water main extension made under this Chapter. The applicant, or the applicant's agent paying for an extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved.

(F) Extensions made under this rule shall be and remain the property of the Village.

(G) Before the Village mains will be laid hereunder in any new subdivision, it is understood and agreed that the road surface will be brought to the extended sub-grade and the applicant, developer of such new subdivision shall furnish the Village with a right-of-way agreement in suitable form to the Village, unless the streets of the new subdivision have been dedicated to public use.

(H) **Installing Pipe Lines in Paved or Unpaved Streets.** When a pipe line is to be installed in a paved or unpaved street, a service line of **three-fourths (3/4) inch** Type "K" Copper is to be provided to the center line of each lot for a one-family dwelling. The service line is to terminate at a point **three (3) feet to five (5) feet** inside the property line in a meter box. When a business or an apartment house is to be serviced, contact the Utilities Department to obtain the proper size for the service.

38-3-63 ENGINEER TO PREPARE PLANS. After approval of design, plans and specifications shall be prepared in accordance with the foregoing and with specifications for utility main extensions from time to time adopted by the Village Board. The plans and specifications shall be prepared by the Village Engineer, or a Civil Engineer acceptable to the Village Board.

38-3-64 SEALED BIDS - LARGER PIPE REQUIRED. Sealed bids shall be received by the Village Board after advertisement not less than **ten (10) days** prior to the date of the receiving of the bids and after receipt thereof, the applicant shall deposit with the Village Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material and all costs of engineering and inspection. Excepting that if the Village should require the installation of a size of pipe larger than is found by the Village Engineering standard to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision, with the Village standing the additional cost for a larger line.

38-3-65 CONTRACT. Upon a deposit of the moneys by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the Village as provided in **Appendix #2.**

38-3-66 - 38-3-69 RESERVED.

DIVISION V - SETBACK ZONE

38-3-70 PURPOSE. Pursuant to the authority conferred by **65 ILCS 5/11-125-4; 415 ILCS 5/14.3**; and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Article shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (**415 ILCS 5/14.2**) and this Article, and the maximum setback zone established under Section 14.3 of the Act (**415 ILCS 5/14.3**) and this Article. The Village is authorized by law, including **65 ILCS 5/11-125-2** and **740 ILCS 55/221 et seq.**, to prevent, abate or punish any pollution or injury to its public water supply.

38-3-71 DEFINITIONS. Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition of word or term is clear from the context, the definition of words or terms in this Article shall be the same as those used in the Act and the Illinois Groundwater Protection Act. (**415 ILCS 55/1 et seq.**)

"Act" means the Environmental Protection Act (**415 ILCS 5/1 et seq.**).

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Maximum Setback Zone" means the area around a community water supply well established under Section 14.3 of the Act and this Article, and described in **Appendix "A"**.

"Minimum Setback Zone" means the area around a community water supply well established under Section 14.2 of the Act and this Article, and described in **Appendix "A"**.

The reference to the Environmental Protection Act, the Illinois Groundwater Protection Act or other statutes of the State of Illinois includes their present form, and as hereinafter amended.

38-3-72 PROHIBITIONS.

(A) Except as provided in **Section 38-3-73** or **38-3-74** of this Article, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(B) Except as provided in **Section 38-3-73** of this Article, no person shall place a new potential primary source within the maximum setback zone.

38-3-73 WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD.

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, a new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from **Section 38-3-72(A)** of this Article.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating), new potential secondary source, or new

potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-72(A)** of this Article.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating), is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-72(B)** of this Article.

(D) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner not be subject to **Section 38-3-72(A)** of this Article to the same extent that such owner is not subject to Section 14.2(d) of the Act.

38-3-74 **EXCLUSION.** **Section 38-3-72(A)** of this Article shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

38-3-75 **NOTICE.** The Board of Trustees finds that proper notice and an opportunity for comment has been given to the public and to all interested parties prior to the adoption of the minimum and maximum setback zones described herein, and prior to the adoption of this Article.

38-3-76 **ENFORCEMENT AND PENALTIES.**

(A) This Article may be enforced by the State of Illinois, its agents and designers, and shall be subject to the penalties, sanctions and remedies provided by the laws of the State of Illinois.

(B) That in addition to the penalties, sanctions and remedies described above, the Village hereby declares that any violations of this Article are a threat to its public water supply and constitutes a public nuisance. The Village shall be empowered to punish, abate or remedy such nuisances as otherwise provided by law.

(C) That in addition to the penalties, sanctions and remedies described above, the placement of new potential primary source, new potential secondary source, or new potential route within the minimum setback zone in violation of **Section 38-3-72(A)** of this Article is unlawful, and such person shall be liable to the Village for a fine of **Five Hundred Dollars (\$500.00)** per day for each day such placement continues.

(D) That in addition to the penalties, sanctions and remedies described above, the placement of new potential primary source within the maximum setback zone in violation of **Section 38-3-72(B)** of this Article is unlawful, and such person shall be liable to the Village for a fine of **Five Hundred Dollars (\$500.00)** per day for each day such placement continues.

38-3-77 - 38-3-79

RESERVED.

DIVISION VI – WATER RATES

38-3-80 BUILDING UNIT DEFINED. All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

[NOTE: When two (2) or more families live in one (1) dwelling, one (1) minimum per dwelling shall be charged. If more than the minimum is used, the owner or occupant of such dwelling shall pay the additional over such minimum as provided.] (See Section 38-5-1)

38-3-81 WATER REVENUES. All revenues and moneys derived from the operation of the Water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from its private funds and separate and apart from all other funds of the Village Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Board of Trustees. The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water System Fund of the Village". The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq. (See Section 38-6-4)**

38-3-82 WATER ACCOUNTS. The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the system, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the water plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed per fiscal year.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.

(See Section 38-6-4)

38-3-83 ACCESS TO BOOKS. 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 system of user charges for the purpose of making

audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement with the Village. **(See Section 38-6-4)**

38-3-84 NOTICE OF RATES. A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

38-3-85 APPEALS. The method for computation of rates and service charges established for user charges in **Article IV Division I** shall be made available to a user within **ten (10) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies. **(See Section 38-12-1)**

38-3-86 CALCULATION OF RATES. Based Water Service Charges: The water service charge for the use of and for service supplied by the water facilities of the Village shall consist of a basic user charge, a debt service charge, and a capital improvement charge.

38-3-87 BASIC USER CHARGE. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

(A) Estimate the annual water volume.
 (B) Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.

(C) Compute costs per **one thousand (1,000) gallons**.

The debt service charge is computed by apportioning the annual debt service as a charge per **one thousand (1,000) gallons**.

The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the water works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per **one thousand (1,000) gallons**.

38-3-88 COMPUTATION. The method for computation of rates and service charges established for user charges in this Article shall be made available to a user within **twenty (20) 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 within **forty-five (45) days** after notification of a formal written appeal outlining the discrepancies.

38-3-89 CONNECTION CHARGES. Whenever any lot, parcel of land or premises shall become connected to the water works system of the Village, the following connection charges shall be imposed:

(A)	*Residential and **Commercial	¾" meter	\$2,500.00
		1" meter	\$3,000.00
		1 ½" meter	\$3,400.00
		2" meter	\$3,900.00
		Larger	\$4,500.00

* Each dwelling unit will have a separate tap-on fee and meter.

** Each individual unit will have a separate tap-on fee and meter.

(B) A charge of **Fifty Dollars (\$50.00)** will be made for shutting off and turning on water services, except at the time of the commencement of such service or at its termination.

(C) **Illinois Plumbing Code.** All water tap and service connections made to the mains of the Waterworks System of the Village shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the Village's Water Department.

(See 65 ILCS 5/11-150-1)

38-3-90 WATER SERVICE INSTALLATIONS. All service pipes and laterals from the waterworks system (water mains) to the stop box shall be installed by, and at the expense of the Village for a distance not to exceed **two hundred (200) feet**. If such water service crosses a Village or State road or alley that requires boring and casing, the cost of such boring and/or casing shall be borne by the applicant for the service or the owner of the property being served. All expense for more than **two hundred (200) feet** shall be at the cost of and installed by the owner of the property to be served or the applicant for the service. All such water services shall have a curb cock on the terrace with a stop box flush with the ground.

38-3-91 WATER RATES. There shall be established the following rates and charges for the use of the water system of the Village, based upon the amount of water consumed as follows:

(A)	WATER RATES INSIDE VILLAGE.	
First	1,800 gallons per month	\$15.07 MINIMUM CHARGE
Over	1,800 gallons per month	\$8.42 per 1,000 gallons
(B)	WATER RATES OUTSIDE VILLAGE.	
First	1,800 gallons per month	\$15.47 MINIMUM CHARGE
Over	1,800 gallons per month	\$9.21 per 1,000 gallons
(C)	BULK SALES.	
	\$16.50 per 1,000 gallons	

(Ord. No. 17-02; 02-14-17)

38-3-92 SPECIAL RATES. The Village reserves the right to make special charges for utility services supplied to properties not covered by the utility rates or which, in the judgment of said Board, should be charged special rates.

38-3-93 **REQUESTED SHUT-OFF.** If user requests water to be shut off, there will be a **Fifty Dollar (\$50.00)** fee to have the water turned on again.

38-3-94 - 38-3-95 **RESERVED.**

DIVISION VII - PENALTIES

38-3-96 **PENALTY.** Any person found to be violating any provision of this Chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The Village may revoke any water service permit as a result of any violation of any provision of this Chapter.

38-3-97 **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in this Code shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-3-98 **COSTS/ATTORNEY FEES.** Any person violating any of the provisions of this Code shall become liable to the Village by reason of such violation for all damages caused by such violation and for all costs of enforcing this Code, including but not limited to a reasonable attorney fee.

APPENDIX "A"

SETBACK ZONE DESCRIPTIONS

MINIMUM SETBACK ZONE

All that area lying within **four hundred (400) feet** of the **four (4)** water supply wells, the location thereof being described as follows:

Well #2: 60" North and 370' West of the Southeast corner of Section 7, Township 5 North, Range 6 West, Madison County, Illinois.
IPEA Well I.D. #60098

Well #3: 469' South and 235' West of the Northeast corner of Section 18, Township 5 North, Range 6 West, Madison County, Illinois.
IEPA Well I.D. #60099

Well #4: 100' North and 550' West of the Southeast corner of Section 7, Township 5 North, Range 5 West, Madison County, Illinois.

Well #5: 450' South and 50' West of the Northeast corner of Section 18, Township 5 North, Range 6 West, Madison County, Illinois.

MAXIMUM SETBACK ZONE

All that area lying within **one thousand (1,000) feet** of the **four (4)** water supply wells, the location thereof being described as follows:

Well #2: 60' North and 370" West of the Southeast corner of Section 7, Township 5 North, Range 6 West, Madison County, Illinois.
IPEA Well I.D. #60098

Well #3: 469' South and 235' West of the Northeast corner of Section 18, Township 5 North, Range 6 West, Madison County, Illinois.
IEPA Well I.D. #60099

Well #4: 100' North and 550' West of the Southeast corner of Section 7, Township 5 North, Range 6 West, Madison County, Illinois.
IEPA Well I.D. #60100

Well #5: 450' South and 50' West of the Northeast corner of Section 18, Township 5 North, Range 6 West, Madison County, Illinois.
IEPA Well I.D. #00270

(See Section 38-3-27)

APPENDIX "B"

**LEGAL DESCRIPTION OF
404 OLD STATE ROUTE 66
HAMEL, IL 62046**

PERMANENT PARCEL NUMBER: 11-1-10-11-00-000-007.002

A tract of land in the Southeast Quarter of Section 11, Township 5 North, Range 7 West of the Third Principal Meridian, more particularly described as follows:

Commencing at a brass plus marking the Northeast corner of said Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds West along the North line of said Southeast Quarter, a distance of 263.12 feet to the Westerly right of way line of F.A.A. Route 55, thence South 26 degrees 59 minutes 04 seconds West along said Westerly right of way line, a distance of 416.90 feet to the Point of Beginning of the tract herein described; thence continuing South 26 degrees 59 minutes 04 second West along said Westerly right of way line, a distance of 265.66 feet to a point; thence North 90 degrees 00 minutes 00 seconds West, parallel with the North line of said Southeast Quarter, a distance of 958.65 feet to the Easterly right of way line of U.S. Route 66 by-pass; thence North 39 degrees 52 minutes 47 seconds East, along said Easterly right of way line, a distance of 308.50 feet to a point, thence South 90 degrees 00 minutes 00 seconds East, parallel with the North line of said Southeast Quarter, a distance of 881.39 feet to the point of beginning, (excepting therefrom all the coal underlying with the right to mine and remove same conveyed by Ronald D. Long and Lawrence O. Landolt, Co-Trustees, to Mobil Oil Corporation by Deed dated August 9, 1978 and recorded in Book 3110 Page 729), in Madison County, Illinois.

(See Section 38-3-27)