

**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

**51. SEWER SERVICE**

**52. GROUNDWATER PROTECTION AREA**

**53. WATER SERVICE**





## CHAPTER 50: SOLID WASTE

### Section

- 50.01 Charges and rates for the use and service of the residential trash fee
- 50.02 Depositing refuse

### **§ 50.01 CHARGES AND RATES FOR THE USE AND SERVICE OF THE RESIDENTIAL TRASH FEE.**

(A) All residential units where the village provides weekly residential trash pickup shall be charged to pay a portion of the costs of service.

(B) The rates and charges for residential trash service, as herein specified, shall be used in computing the bill. The bill for services shall be billed on a quarterly basis and shall be payable on or before the expiration date of the bill. The current bill for services may be combined with the current bill for water and sewer services for the same premises. All provisions of the ordinance with reference to the payment and collection of water and sewer bills shall be applicable to this section, to the extent that it doesn't conflict with this section.

(C) The charge for services shall be based upon the number of units in each single-family dwelling, duplex, condominium of three units or less and all apartment complexes of three units or less that the village has provided services for, whether or not such unit receives the services or decides to hire a private contractor to provide this service.

(D) Beginning on August 15, 2011, the charge for each unit shall be \$10.91 per month for each month or partial month. On each subsequent July 15 up until and including July 15, 2015, the rate shall increase by an amount which is equal to the then-current CPI percentage, which increase shall not exceed 5%. This rate increase shall become effective August 15, 2011.

(E) It is the duty of the Village Water Clerk to render bills for residential trash service and other charges in connection therewith and to collect all monies due therefor.

(F) All revenues and monies derived from this service shall be held by the Water Clerk and shall be deposited not more than ten days after receipt of the same or at more frequent intervals as may from time to time be directed by the Village Board.

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(G) The Village Treasurer shall receive all revenues from the residential trash service and all other funds and monies incident to the operation of each system of the village and shall administer the fund in every respect as in manner and form provided by law.

(H) The Village Treasurer shall establish a proper system of accounts which he or she may be required to keep and such records and accounts shall show complete and correct entries of all transactions relating to the residential trash service.

(I) A copy of the ordinance set forth in this section, properly certified by the Village Clerk, shall be filed in the office of the Village Clerk and shall be deemed notice to all owners of real estate of the responsibility of compliance with the terms of this section, and it shall be the duty of the Village Clerk and such other officers of the village to take all action necessary or required by the laws of the state to prosecute and enforce all such matters as may be set forth under the provisions of this section.  
(Ord. 1990-10, passed 8-6-90; Am. Ord. 2011-18, passed 11-7-11)

#### **§ 50.02 DEPOSITING REFUSE.**

No person shall deposit or place any refuse or garbage in or upon any street, alley, sidewalk, publicly-owned property or public place except as provided in this code.  
(Ord. 1983-8, passed 8-15-83) Penalty, see § 10.99

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## CHAPTER 51: SEWER SERVICE

### Section

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***GENERAL PROVISIONS*****§ 51.001 DEFINITIONS.**

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

**BOD** (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

**BUILDING DRAIN**. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the house sewer, beginning five feet outside the inner face of the building wall.

**CHEMICAL OXYGEN DEMAND** or **COD**. The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures expressed in milligrams per liter.

**CONTRIBUTOR**. Any individual, firm, company, association, society, corporation or group responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the city's sewer system.

**DEPARTMENT**. The Sewer Department of the Village of Rockton.

**FEDERAL ACT**. The Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, and any amendments thereto (33 USC 1251 *et seq.*), as well as guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

**FLOATABLE OIL**. Oil, fat or grease in the physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

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

**HOUSE SEWER**. The extension from the building drain to the public sewer or other place of disposal.

**INCOMPATIBLE POLLUTANT**. Any pollutant which is not a compatible pollutant.

**INDUSTRIAL WASTES**. The liquid wastes from industrial processes as distinguished from sanitary sewage.

**MAJOR CONTRIBUTING INDUSTRY**. An industrial user of the publicly-owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow of greater than 5% of the flow carried by the municipal system receiving the

waste;

(3) Has in its waste a toxic pollutant in toxic amounts as defined in standard issue under § 307a of the Federal Act; or

(4) Is found by the permit issuance authority in connection with the issuance of an NPDES permit to the publicly-owned treatment works receiving the waste to have significant impact, either singly or in combination with other contributing industries on that treatment works or upon the quality of effluent from the treatment works.

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

**NPDES.** The National Pollution Discharge Elimination System permit.

**pH.** The logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution at 25°C. It is used to indicate the concentration of free acid and alkali.

**POLLUTANT.** Dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**PRETREATMENT.** The treatment of wastewater from a source before introduction into publicly-owned wastewater treatment works (POTW).

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch in any dimension.

**SANITARY SEWAGE.** Sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

**SANITARY SEWER SYSTEM.** All facilities and pipes whether located on private or public property for collecting, pumping, treating and disposing of sanitary sewage by discharging it into the sanitary sewers owned by the village and treating it in the sanitary sewer treatment plants owned by the Sanitary District.

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

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

**SEWER WORKS** or **SEWERAGE SYSTEM**. All facilities for collection, pumping, treating and disposing of sewage.

**SEWER**. A pipe or conduit for carrying sewage and other waste liquids.

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

**SLUDGE**. Any discharge of water or wastewater quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STORM SEWER** or **STORM DRAIN**. A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes; it may, however, carry cooling water and unpolluted water.

**SUSPENDED SOLIDS**. Solids that either float on the surface of or are in suspension in waste, sewage or other liquids and which are removable by laboratory filtering.

**TOXIC POLLUTANTS**. Includes but is not necessarily limited to aldrindieldrin, benzidine, cadmium, cyanide, DDT edrin, mercury, polychlorinated biphenyls (PCB's) and toxaphene. Pollutants included as **TOXIC** shall be those promulgated as such by the United States Environmental Protection Agency.

**UNPOLLUTED WATER**. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

**WASTEWATER TREATMENT WORKS**. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT**.

**WASTEWATER**. The spent water of a community. From the stand point of source, it may be a combination of the liquid and water-carried wastes from residence, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be

present.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.002 USE OF SEWER SYSTEM REQUIRED.**

(A) No person, firm, association, corporation or partnership having its residence or place of business within the territorial limits of the village shall be permitted to dispose of wastes or wastewater of such residence or place of business located in the village otherwise than through the sewer mains of the village wherever the sewer mains of the sewerage system of the village are adjacent to its property subsequent to May 1, 1963, without the written permission of the Village President and Village Board of Trustees.

(B) Any person, firm, association, corporation or partnership violating this section shall be fined not less than \$10, nor more than \$1,000, and each day of violation shall be deemed as a separate violation of this chapter.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.003 RULES AND REGULATIONS BY PRESIDENT AND BOARD OF TRUSTEES.**

The President and Board of Trustees are authorized to make such rules and regulations consistent with this chapter for connections to the sewerage system and for specifying the type and size of pipes and all other appurtenances and extensions thereto and shall be authorized to amend the same from time to time as may be deemed necessary. All sewage pipes and connections to the sewerage system shall comply with the specifications and rules. Any person, persons, firm or corporation or their representative not complying with these specifications and rules for connection to the sewerage system shall be subject to a penalty as hereafter provided.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.004 OWNER RESPONSIBLE.**

(A) The owner of any premises connected with any sewer shall be considered as authorizing and responsible for the construction and use of any sewer connections upon such premises and subject to the penalties for any improper construction or use of such connection.

(B) This section shall not relieve the occupant of any premises from responsibility for any improper construction or use of any sewer connection.

(Ord. 1988-4, passed 3-28-88)



**§ 51.005 ACCESS FOR INSPECTION.**

The Village Board, its authorized agents and other persons duly authorized by the Village Board shall be entitled to access the premises of any contributor for the purpose of inspection, observation, measurement, sampling and testing at any reasonable time to such extent as may be necessary to carry out the spirit and intent of this chapter, and it shall be deemed a part of the agreement on the part of the contributor as a condition to his or her permission to connect with the village sewer system that such access be granted.

(Ord. 1988-4, passed 3-28-88)

**§ 51.006 RECORDS AND REPORT.**

The Department shall keep a record of all permits granted for connections of sewers or drains, in which it shall enter the names of all persons paying or owing money for such permits, the amount received, the data received, a description of the premises to be connected with such sewer and the location of the connecting drain.

(Ord. 1988-4, passed 3-28-88)

**§ 51.007 DUTY OF DEPARTMENT.**

It is made the duty of the Village Clerk to render bills for sewerage service and other charges in connection therewith and to collect all monies due therefor.

(Ord. 1988-4, passed 3-28-88)

**§ 51.008 SEPARATION OF FUNDS.**

All revenues and monies derived from the operation of the sewerage system shall be held by the Treasurer separate and apart from all other monies and shall be deposited not more than ten days after receipt of the same, or at more frequent intervals as may from time to time be directed by the Village Board.

(Ord. 1988-4, passed 3-28-88)

**§ 51.009 DUTY OF VILLAGE TREASURER.**

The Village Treasurer shall remit to the Rockton Sanitary District, on a quarterly basis, an amount equal to \$3.85 per quarter for each house connected to the Rockton Sanitary District. The calculation of the number of homes will be based upon the number of homes actually connected at the end of each

preceding month. This sum shall be paid quarterly to the Rockton Sanitary District. As of December 31, 1991, there are 1,105 homes connected to the Rockton Sanitary District.

(Ord. 1988-4, passed 3-28-88; Am. Ord. 1992-1, passed 1-6-92)

#### **§ 51.010 RECORDS AND ACCOUNTS.**

The Village Treasurer shall establish a proper system of accounts separate from all other records and accounts which he or she may be required to keep and such records and accounts shall show complete and correct entries of all transactions relating to the sewerage system.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.011 METERS FOR DISCHARGE TO SANITARY SEWERS.**

(A) Wherever the forgoing methods for the computation of water discharged to the sanitary sewer may seem impractical, the sewer user may make application to the Village Board for permission to meter water discharged only to the sanitary sewer. If, upon investigation of the premises, the Village Board approves the application, the necessary meter or meters shall be installed by the sewer user so the readings of this meter or meters shall be taken as the basis of the sewer charge, which the charge shall be calculated in accordance with the rates provided.

(B) The Village Board shall designate the make and type of meter to be installed by the sewer user and shall supervise the installation and test these meters whenever deemed necessary by the Village Board. All necessary repairs to such meters shall be made by the Public Works Department at the expense of the sewer user.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.012 MEASURE RESTRICTION OF DEDUCTIONS.**

(A) All users of sewer service who have water supplies which are not metered may have them metered by making written application to the Public Works Department;

(B) Deductions for water which does not enter the sanitary sewer shall be made upon written application to the Village Board and shall be subject to the following regulations:

(1) No deductions for the users of the sewer who do not have a metered water supply;

(2) The Department shall determine which used water shall be eligible for discharge to the storm sewer system;

(3) No used water which contains suspended matter in any form (organic or inorganic) or any dissolved substances shall be eligible for discharge to the storm sewers or any watercourse without approval of the Illinois Environmental Protection Agency;

(4) All users of sewer service shall, at their own expense, make a division in the water supply piping and install, in a manner approved by the Public Works Department, meters approved and designed to measure any water discharged to a storm sewer or any other watercourse in order to have such water deducted from the total metered water consumed;

(5) Water which does not enter any sewer or watercourse shall be deducted from the total metered water consumed, only if such water which is not entering the sewer or watercourse is metered. A division in the water supply piping and meters approved design shall be installed at the expense of the sewer user in a manner satisfactory to the Department;

(6) One hundred percent of the water measured by a deducting meter must be kept out of the sanitary sewers if the quantity of such water is to be deducted from the entire amount of water consumed.

(Ord. 1988-4, passed 3-28-88)

**§ 51.013 INSTALLATION AND REPAIRS OF METERS.**

The Department shall have supervision of the installation of private meters used in computation of the amount of water to be deducted from the total metered consumption of any sewer user and from time to time test the accuracy of the meters. All necessary repairs to such meters shall be at the user's expense.

(Ord. 1988-4, passed 3-28-88)

**§ 51.014 SEWER SERVICE.**

No public easement shall be blocked by trees, plants, shrubs or any structure, whether temporary or permanent. Any object, living or non-living, which impedes ingress or egress of Department equipment or personnel for the inspection, maintenance or repair of the sewer lines in the easement shall be removed by the owner at the Department's request. If the owner of any such obstruction refuses to remove the tree, plant, shrub, or structure, it shall be removed by the Department at the owner's expense, and the owner will be subject to a fine of not less than \$10 nor more than \$750 after notification by the Department. Each day of violation shall be deemed as a separate violation of this section.

(Ord. 1988-4, passed 3-28-88)



*CONNECTIONS***§ 51.025 PERMIT REQUIRED FOR CONNECTION TO SEWER SYSTEM.**

(A) (1) No person, persons, partnership, firm or corporation shall make any connection to the sewer mains of the sewerage system of the village except upon the written application to the Village Clerk and the issuance of the permit by the Village Clerk for the connection. The application shall contain an agreement on the part of the applicant that all the rules, regulations, conditions and provisions of any ordinance relating to the sewerage system will be complied with. Each application shall state the name of the applicant or the party applying for permission for connection and the location with respect to where the service is to be installed. Each application shall also state such additional information, such as pertaining to lot lines, as may be needed for the proper guidance of the village in the issuing of the permit.

(2) Any permit issued pursuant to application under this section shall be valid for a period of six months from the date of issuance. If connection of the sewer mains of the sewerage system of the village has not been completed within that time period, the permit shall become invalid and a new permit must be obtained and payment of any and all current applicable fees must be made before such connection shall be permitted.

(3) A newly constructed sewer must be tested at the expense of the constructor before being accepted as a part of the sanitary sewer system of the village. The Village Board may choose to waive this requirement if another means of test and/or inspection is deemed acceptable by the Public Works Director.

(B) (1) No connection shall be made with the sewerage system without a signed permit of the Village Clerk or his or her designee, and any connection made with the sewerage system without such signed permit or in any manner different from the method described for such opening or connection shall subject the person or persons making such connection to a penalty as hereafter provided.

(2) No person who is not an authorized employee of the village shall make any connection with, uncover, alter or disturb a sanitary sewer main or open any manhole, intercepting chamber or any appurtenance thereof without first obtaining a written permit so to do from the Village Clerk or from such person as may be designated by the President and Board of Trustees of the village.

(3) No part of an existing septic tank shall be connected with the sewer mains, and no part of such septic tank shall be permitted to become a part of a connection to the sewer main. Nothing, however, shall preclude the laying of a solid pipe or solidly-jointed connecting pipes through the area of an existing septic tank site.

(4) Employees of the sewerage system shall have the right at reasonable times to access premises served by the Rockton sewerage system. Any person unreasonably refusing to permit employees of the sewerage system access to the premises for right of inspection or repair or maintenance shall be subject to a penalty as hereafter provided.

(Ord. 1988-4, passed 3-28-88; Am. Ord. 1998-14, passed 6-15-98)

**§ 51.026 PERFORMANCE BOND.**

No permit for a sewer connection, house connection or a sewer extension shall be issued by the village unless the owner or contractor applying therefor shall have filed in the office of the Village Clerk a performance bond with corporate surety acceptable to the village thereon in the sum of \$1,000 for a sewer connection or house connection. The performance bond shall be approved by the Village Clerk conditioned upon the applicant indemnifying and saving harmless the village for any and all damage to underground mains of the village and from any failure to restore any road, ditch, pavement or portion thereof damaged during the construction of the sewer connection.

(Ord. 1988-4, passed 3-28-88)

**§ 51.027 INSURANCE.**

No permit for a sewer connection or sewer extension shall be issued by the village unless the owner or contractor applying therefor shall first establish to the satisfaction of the Village Clerk the presence of public liability insurance in the amount of not less than \$50,000 for injuries, including accidental death to any one person and subject to the same limit for any person in an amount of not less than \$100,000 on account of one accident and property damage insurance in an amount of not less than \$50,000. The persons or entity to be indemnified and saved harmless in the policy shall be the village and the applicant for sewer connection or sewer extension. A certificate of the insurance shall be filed with the Village Clerk.

(Ord. 1988-4, passed 3-28-88)

**§ 51.028 APPLICATION.**

(A) Any person desiring to connect his or her property to the sanitary systems, other than by means of a direct connection already installed and intended for only the use of the property in question, shall make an application to the Village Clerk or other designee.

(B) The application shall include a written approval of the Plumbing Inspector and a detailed statement of the complete drainage work to be done within the premises.

(C) The proposed system must meet the approval of the Public Works Director before it shall issue a permit for the sewer connection.

(D) No change shall be made from such proposal unless a new application and statement is filed with the Village Clerk and a permit is issued.

(E) The Public Works Director shall either give or refuse approval of such project within three days from the filing of the application.

(Ord. 1988-4, passed 3-28-88)

### **§ 51.029 VILLAGE SUPERVISION.**

The village, subsequent to issuance of a permit, shall supervise the opening or cut of the street, the connection of the line to the main sewer line and the closing of the street cut, including back filling and restoration of the street surface. The supervision required hereunder shall be given by the Public Works Director or such other agent of the village as designated by the Board of Trustees. Application for such connection shall be made to the Village Clerk and a fee of \$150 shall be paid therefor.

(Ord. 1988-4, passed 3-28-88)

### **§ 51.030 ORDINARY CONNECTIONS.**

The charges listed under this chapter shall apply only to regular connections made with extra heavy 4-inch cast iron pipe or 4-, 6- or 8-inch PVC (schedule 35 in 4-inch, schedule 40 in 6-inch or larger) installed at a right angle to the street. Connection into the main sewer line shall be made preferably at Y's already provided for that purpose and the lateral lines shall be laid to the property line, terminating there at a depth of no greater than 8 feet. The aforesaid installation costs shall apply only when the soil is not frozen.

(Ord. 1988-4, passed 3-28-88)

### **§ 51.031 EXTRAORDINARY CONDITIONS.**

(A) Whenever existing circumstances or the property owner requires a connection other than described above as ordinary, or if extra installation costs arise due to frozen soil, the property owner shall be required to pay, in the place of the charges listed, the actual cost of making the connection, plus 20% overhead.

(B) In such cases, the Village Board shall, when the application is filed, require the property owner to make a deposit, based on an estimate by the Department, sufficient to pay all such fees and

charges.

Upon final completion the Village Board shall compute the actual total charge, and the property owner shall then pay any shortage or receive refund of any excess deposit.

(Ord. 1988-4, passed 3-28-88)

**§ 51.032 UNFORESEEN CIRCUMSTANCES.**

If the circumstances or conditions not foreseen at the filing of the application occur or exist to cause the connection to vary from the type on which the charge was based, the Public Works Department shall adjust the charge to the proper type, if it can be classified as another type listed or otherwise to compute the actual installation cost, add the 20% overhead and either refund the excess paid or collect the unpaid portion.

(Ord. 1988-4, passed 3-28-88)

**§ 51.033 REPLACEMENT.**

The installation of the sewer connection to replace a former connection shall be considered a new connection.

(Ord. 1988-4, passed 3-28-88)

**§ 51.034 WORK ORDER.**

As soon after issuance of a permit as circumstance permits, the connection shall be installed.

(Ord. 1988-4, passed 3-28-88)

**§ 51.035 PRIVATE EXCAVATIONS.**

Private persons shall not dig trenches or make sewer connection in any street, alley or public grounds.

(Ord. 1988-4, passed 3-28-88)

**§ 51.036 MULTIPLE CONNECTIONS.**

(A) No person having a sewer connection, or a permit for a sewer connection, shall allow any other premises to connect with the public sewerage system through his or her pipes or drains, except upon application being made and permit granted.

(B) The permit will only be granted when it is impossible to install a direct connection to the public main. In such cases the property owner shall, in addition to making the application and having the

connection made by a proper contractor, be required to notify the Department to inspect the installation.

The Department shall make and keep a permanent record of the location and connection line.

(C) The use of one lateral or connection will not normally be permitted for two or more lots or properties unless occupied by one building.

(Ord. 1988-4, passed 3-28-88)

### **§ 51.037 EXISTING INSTALLATIONS.**

(A) Connections heretofore made with the public sewers shall be subject to the provisions of this chapter so far as applicable without reconstruction. No reconstruction of any existing private drainage shall be required except by the order of the Village Board upon report of the Department that the same is necessary for the proper operation of the public sewers or the maintenance of a sanitary condition of the property drained.

(B) Any change in an existing sewer connection, or appurtenances thereto, shall be made under the terms of this chapter.

(Ord. 1988-4, passed 3-28-88)

### **§ 51.038 REPAIRS AND CLEANING.**

When repairs are necessary for the connection between the main and the property line, the work shall be performed under the supervision of the Department, at the expense of the property owner. All rooting and cleaning of the sewer laterals or house sewers from cleanouts located on private property shall be done by licensed plumbing contractors. If the cleaning cannot be accomplished by the plumbing contractor or if the work must be performed in a street, alley or public grounds, the plumbing contractor shall be charged with the cost of the work.

(Ord. 1988-4, passed 3-28-88)

## ***REGULATIONS***

### **§ 51.050 CONTROL OF VOLUME AND TYPE OF DISCHARGE.**

(A) Sewer users who discharge a large volume of strong waste over a short period of time may be ordered to discharge such waste uniformly over a longer period of time as the Department deems it necessary for the satisfactory operation of the disposal plant.

(B) Except as hereinafter provided, no person shall discharge or cause to be discharged into any public or private sewer any of the following described substances, materials, water or wastes:

- (1) Any liquid or vapor having a temperature higher than 150°F (65°C);
- (2) Any gasoline, benzine, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
- (3) Any water or wastes containing emulsified oil or grease exceeding on analysis an average of 15 milligrams per liter;
- (4) Any water or wastes which contain more than ten milligrams per liter by weight of the following gases: hydrogen, sulfide, sulfide dioxide or nitrous oxide;
- (5) Any water or wastes that contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32°F and 150°F;
- (6) Any garbage that has not been properly comminuted or triturated;
- (7) Any ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, hair and fleshings, entrails, lime slurry, lime residue, beer or distillery slops, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage treatment plant;
- (8) Any water or wastes that contain phenols in excess of 0.30 milligrams per liter;
- (9) Any water or wastes having corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the sewage treatment plant. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 5.0 and 10.5;
- (10) Any waters or wastes containing solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving water of the wastewater treatment plant, including, but not limited to cyanides, total chromium, copper, zinc, cadmium, nickel and phenols in wastes as discharged to the public sewer. The following concentrations shall not be exceeded in industrial wastes discharged to the public sewers:
  - (a) Grease, oil or sand interceptors shall be provided when in the opinion of the Public Works Department they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of standard approved type and capacity which meets village and state code requirements and shall be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil or sand

interceptors shall be owned and maintained by the owner at his or her expense, in continuously efficient operation at all time.

**Rockton - Public Works**

(b) The Village Board reserves the right to amend any or all requirements relating to the nature, type, concentration or other analysis of the forgoing or other substances, materials or waters that discharge into any public or private sewer.

(c) Any water or waste which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases.

(d) Concentrated dye wastes, spent tanning solutions or other wastes which are highly colored or wastes which are of unusual volume, concentration of solids or composition, as for example in total suspended solids of inert nature (such as Fuller's earth) and/or in total dissolved solids (such as sodium chloride, calcium chloride or sodium sulfate) or unusual in BOD shall be subject to determination by the commission for:

1. Approval or rejection of admission to the public sewer;
2. Modification at the point of origin to permit admission; or
3. Pretreatment by owner to permit admission.

(e) Any water or waste which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, develops color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes shall be subject to control of the Village Board.

(f) 1. The admission into the public sewers of any waters or wastes having a five day biochemical oxygen demand greater than 300 mg/l; containing more than 350 mg/l of suspended solids; containing any quantity of substances having the characteristics described in Art. 4, § 71-405-b; or having an average daily sewage flow of 10,000 gallons shall be subject to the review and approval of the Village Board. Where necessary, in the opinion of the Village Board, the owner shall provide at his or her expense such preliminary treatment as may be necessary to: reduce the biochemical oxygen demand to 300 mg/l and the suspended solids to 350 mg/l; reduce objectionable characteristics or constituents to within the maximum limits provided for in § 405b; or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Village Board and the Environmental Protection Agency, and no construction of such facilities shall be commenced until the approval is obtained in writing.

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

<i>Waste or Chemical</i>	<i>Concentration mg/l</i>
Arsenic	0.25
Barium	2.0
Cadmium	0.3
Chromium (total)	2.0
Copper	1.0
Cyanide	0.5
Lead	0.3
Manganese	1.0
Mercury	0.2
Nickel	3.0
Oil (hex insolubles)	15.0
pH (must be met at all times)	5-10.5
Phenols	0.3
Silver	0.2
Zinc	4.0

3. These maximum concentrations may be changed as necessary by the Public Works Department or state regulatory agencies based on new information concerning inhibitory substances or to protect treatment plant processes. Industrial discharges covered by federal pretreatment requirements shall meet those limitations specified under the effluent guidelines under §§ 304b through 307b of the Federal Act (33 USC 1314 through 33 USC 1317) or the above concentrations, whichever is more stringent. Major contributing industries discharging incompatible pollutants into the public sewer shall be regulated.

(11) Any water or wastes containing the discharge of acid pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing any obstruction, damage or corrosion in the sewers or the sewage treatment plant.

(12) Any water containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the sewage treatment plant.

(13) Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

(14) Any toxic radioactive isotopes having half-life of more than 100 days, without special written permit by the Village Board.

(15) Any wastes that for a duration of 15 minutes have a concentration greater than five times that of normal sewage, as measured by suspended solids and BOD.

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(16) Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures, treatment processes and discharges.

(17) Quantities of flow, concentrations or both which constitute a slug, as defined herein.

(C) Any contributor shall, upon request by the Village Board, provide a central collection point to facilitate observation, measurement and sampling of the waters or waste. The collection points shall be accessible and easily located and shall be constructed in accordance with plans approved by the Village Board. The collection point shall be installed and maintained by the owner at his or her expense. In the event no collection point is established or required, the nearest downstream manhole shall be considered as a collection point for the property which is being served.

(D) Written order shall be given the sewer user to comply with any provision of this section. The order shall specify a definite length of time in which the sewer user shall comply with such an order.

(E) Cesspool and septic tank waste, including the wastes from vehicles known as campers and trailers, may be dumped or discharged into the sanitary sewer system of the village at the wastewater treatment plant of the Sewer Department system in the manhole provided, and no such waste shall be dumped or discharged into the sanitary sewer system of the village at any other place. No person shall dump any such waste into the sewer system of the village without first obtaining a written permit to do so from the manager of the Water and Sewer Department of the village. The application for the permit and the permit shall be on a form or forms to be provided by the Water and Sewer Department. (Ord. 1988-4, passed 3-28-88; Am. Ord. 2006-8, passed 9-8-06)

#### **§ 51.051 AUTHORITY FOR CONTROL OF WASTEWATER DISCHARGES.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in this chapter and which in the judgment of the Public Works Department may have deleterious effect upon the wastewater facility processes, equipment or receiving waters, including violation of applicable water quality standards or which otherwise create a hazard to life or constitute a public nuisance, the Pubic Works Department may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
- (3) Require control over the quantities and rates of discharge.

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(B) All industrial wastes discharged to the public sewers by major contributing industries shall as a minimum meet the national pretreatment standards or best practical control technology currently available for comparable pollutants as published in 40 CFR 125, unless the Public Works Department is committed, in its NPDES permit, to remove a specified percentage of the incompatible pollutant. In those instances, the applicable pretreatment standards may be correspondingly reduced to levels determined by the Village Board or their duly authorized representative or state regulatory agencies.

(C) If the Village Board requires pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Board and state regulatory agencies and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.052 SAMPLING AND MONITORING.**

(A) Industrial wastes discharged into the public sewer shall be subject to periodic inspection with a determination of character and concentration of the wastes. The determination shall be made as often as may be deemed necessary by the Village Board, but in no case less than two 24-hour composite samples per month shall be taken.

(B) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling shall be accomplished by the use of automatic sampling equipment capable of collecting composite samples.

(C) Access to sampling locations shall be granted to the Public Works Department or its authorized representative at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.053 ANALYSES.**

(A) Laboratory procedures used in the examination of industrial wastes shall be those set forth in the latest edition of "Standard Methods." However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Village Board and the industry.

(B) Determination of the character and concentration of the industrial wastes shall be made by the person responsible for the discharge or his or her qualified agent as approved by the Village Board. The results of the analyses shall be reported to the Village Board on a monthly basis on forms provided by the Village Board. The Village Board shall make its own analyses on the wastes and these

determinations shall be binding, except under circumstances in the following division.

(C) In case analyses performed by the industry and the Village Board result in substantially different values, an effort shall be made by the industry to collect samples at the same time the Board collects its own samples. The results of the analyses on the samples collected by the Village Board and the industry shall be compared using the same testing procedures as outlined in the latest edition of "Standard Methods" and the differences negotiated.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.054 CONSENT TO ANNEXATION.**

Properties which are located in the Village FPA and is contiguous to the village limits shall annex to the village before sewer service is provided, and being within the village limits shall be a condition of continued sewer service. Properties not contiguous to the village may be permitted to connect to the village sewer system, provided that the property owner or owners execute and file with the village a written agreement, of acceptable form to the village, to take all necessary action to annex the property to the village when it becomes contiguous to the village limits. If the owner or owners fail or refuse to annex once contiguous, the Department shall notify the Village Board, who may take action to discontinue all sewer service for the premises.

(Ord. 1988-4, passed 3-28-88; Am. Ord. 2006-18, passed 11-21-06)

#### **§ 51.055 EXCAVATIONS.**

All sewer excavations in or near a street, alley or public way shall be made, maintained and filled in accordance with the provisions of the agreement and permit issued for such work.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.056 FOUL SUBSTANCES AND OBSTRUCTIONS.**

No garbage, except ground garbage when diluted with water in an approved manner, dead animals, offal or obstruction of any kind whatsoever shall be placed, thrown or deposited in any receiving basin or sewer.

(Ord. 1988-4, passed 3-28-88)

#### **§ 51.057 SUFFICIENT WATER.**

Every person using the public sewers shall provide such fixtures as will allow sufficient quantities of water to flow into the lateral drain or private sewer to clear it and shall keep such lateral drain or private sewer unobstructed at all times.

(Ord. 1988-4, passed 3-28-88)

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**§ 51.058 STORMWATER IN SANITARY SEWER.**

No person and no building, structure or establishment shall discharge any rain water into the sanitary sewer system.

(Ord. 1988-4, passed 3-28-88)

**§ 51.059 DAMAGING SEWERS OR DRAINS.**

No person shall unlawfully disturb, tear up or injure any public drain or sewer, manhole or any appurtenances thereof.

(Ord. 1988-4, passed 3-28-88)

**§ 51.060 PRIVATE CONSTRUCTION OF MAINS.**

(A) Persons owning property abutting upon streets, alleys or public grounds may be permitted upon application as in the case of private sewer connections, subject to the regulations of this chapter, to construct, at their own expense, sewer mains for the benefit of the property so abutting as set forth in the Department rules and regulations.

(B) The inside diameter of the pipe constituting such sewer mains shall not be less than eight inches.

(C) The sewer mains shall belong to the village and be incorporated in its sewer system, with such easements as the village deems necessary.

(D) No persons other than those issued the construction permit shall connect with, or in any manner use such sewer main, except in accordance with the provisions of this chapter, not until they have paid to the persons constructing the sewer main, or other successor, such proportion of the entire cost of the sewer main to be determined by agreement of the parties or by the Village Board as the benefit to the property so connected bears to the aggregate benefit derived from such sewer main.

(E) No person shall connect with any such sewer main until he or she agrees, in writing, that claim will be made by him or her, or his or her successors in interest, against the village, if such sewer main is removed or its use discontinued by authority of the Village Board or for any exemption from any assessment or tax lawfully imposed for the construction of sewers in the vicinity of his or her property.

(F) The Village Board may at any time revoke and annul any such permission and direct such sewers, pipes or any part thereof, so far as the same are in any street, alley or public grounds to be discontinued or removed.

(Ord. 1988-4, passed 3-28-88)

**§ 51.061 OIL/WATER SEPARATORS.**

(A) Oil/water separators shall be required at automotive service stations, motor vehicle oil and lube shops, and restaurants that do not have self-contained vegetable or other cooking oil units that allow the oils to be disposed of without entering the sanitary sewer or other drainage system.

(B) An oil/water separator is defined as a device to trap, remove or separate deleterious, hazardous, or undesirable matter such as oil, grease, gasoline, or other hazardous petroleum base products from normal sewage, liquid wastes, or storm sewer run-off to discharge into a disposal terminal by gravity.

(C) Oil/water separators shall be located as to be readily accessibly for cleaning and inspection. It shall be the property owner's responsibility for installation, regular cleaning, and yearly inspection by a qualified professional. Records of all the preceding shall be kept by the owner and be made available to the village or the Rockton Sanitary District upon request.

(D) Any person or business owner violating the provisions of this section shall be subject to a fine up to \$1,000 for each violation. Each day of the violation shall be deemed a separate violation. (Ord. 2002-10, passed 4-16-02)

***FEEES AND CHARGES; BILLING*****§ 51.075 COSTS OF LABOR AND MATERIALS.**

The applicant shall pay all the costs of labor and materials for installing and hooking on to the sewerage system of the village and, upon connection to the sewerage system, the lines shall become subjected to the control, management and inspection of the village as a part of the Rockton Sewerage System.

(Ord. 1988-4, passed 3-28-88)

**§ 51.076 FEES AND COSTS.**

Upon approval of the application, the applicant shall make payment of fees and costs or make a deposit based on the estimate cost as follows:

(A) For each connection for which the Department is not required to perform any work: \$150;

(B) For each connection made by the Department at the time of sewer main installation: \$360;

(C) For each connection made by the Department in any public way in which sewer mains are existing: \$300;

(D) Permit fees for connection fixtures, pipes or other devices to the sanitary sewer system of the village. For each structure or building located on a site which is located outside of the corporate limits of the village, a fee for connecting that building or structure to the sanitary sewer system of the village, whether or not the connection is made on private or public land will be charged based on the fixture-unit value for each such building or structure. Fixture-unit value for a building or structure shall be determined as follows:

(1) For each building or structure containing any of the following listed fixture types a fixture-unit value shall be assigned in accordance with the following table:

<i>Fixture Type</i>	<i>Fixture Unit Value</i>
1 bathroom group consisting of tank, water closet, lavatory and bathtub or shower stall	6
1 bathroom group consisting of flush valve water closet, lavatory and bathtub or shower stall	8
Bathtub (a shower head over a bathtub does not increase the fixture value) (with or without overhead shower)	2
Bidet	3
Combination sink-and-tray with food disposal unit	4
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains	1
Kitchen sink, domestic	2
Kitchen sink, domestic, with food waste grinder	3



<i>Fixture Type</i>	<i>Fixture Unit Value</i>
Lavatory (small pipe outlet)	1
Lavatory (large pipe outlet)	2
Lavatory, barber, beauty parlor	2
Lavatory, surgeons	2
Laundry tray (1 or 2 compartments)	2
Shower stall, domestic	2
Showers (group) per head	3
Sinks:	
Surgeons	3
Flushing rim (with valve)	8
Service (trap standard)	3
Service (P tray)	2
Pot, scullery and the like	4
Urinal, pedestal, syphon, jet, blowout	8
Urinal, wall lip	4
Urinal stall, washout	4
Urinal, trough (each 2 foot section)	2
Wash sink (circular or multiple), each set of faucets	2
Water closet, tank operated	4
Water closet, valve operated	8

(2) For fixtures and devices not listed in subsection (1) above, the fixture unit value shall be determined by the size of the fixture or trap sized in accordance with the following:

<i>Fixture drain or trap size</i>	<i>Fixture Unit Value</i>
1½ inches or smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

(3) (a) For a continuous or semi-continuous flow into a drainage system, such as from a pump ejector, air conditioning equipment or similar device, two fixture units shall be assigned for each gallon-per-minute of flow.

(b) The total fixture-unit value for each building or structure shall be determined by adding the total fixture unit value contained in the building or structure in accordance with subsections (1), (2) and (3)(a) above, and the fee for connecting any such building or structure to the sanitary sewer system of the village shall be determined by the total number of fixture values in such building or structure in accordance with the following table:

<i>Total Fixture Unit Values in Each Building or Structure</i>	<i>Fees to be Charged</i>
1 to 22	\$200
23 to 88	\$300
89 to 176	\$400
176 or more	\$600

(Ord. 1988-4, passed 3-28-88)

**§ 51.077 PAYMENT CONDITION PRECEDENT.**

No permit shall be issued until the required payment or deposit has been made to the Village Board.

(Ord. 1988-4, passed 3-28-88)

**§ 51.078 RATES ESTABLISHED.**

Rates and charges for use of the sanitary sewer system of the village are established as follows:

(A) Beginning February 15, 2011, every user shall pay a base rate of \$15 per quarter.

(B) In addition thereto, beginning February 15, 2011, every user shall pay a usage fee of \$1.50 for each 100 cubic feet of water usage per quarter.

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(C) Beginning February 15, 2012, the usage fee for each 100 cubic feet of water usage per quarter shall be raised by \$.20 and said usage fee shall be raised an additional \$.20 on each successive February 15 occurring thereafter through and including February 15, 2017.

(D) There shall be no reduction of sewer rates during any quarter of the year.  
(Ord. 1988-4, passed 3-28-88; Am. Ord. 1992-1, passed 1-6-92; Am. Ord. 2003-25(2), passed 12-16-03; Am. Ord. 2011-4, passed 2-8-11)

### **§ 51.079 COMPUTATION OF WATER.**

Computation of water consumed by residential, commercial, industrial and other establishments connected to the sewer system, which have their own water supply and also purchase water from the village shall be as follows:

(A) The charge for sewer service upon that portion of the water consumed which is metered shall be calculated in accordance with the rates set up;

(B) The charge for sewer service upon that portion of the water consumed which is not metered shall be calculated in accordance with the rates set up for water usage.  
(Ord. 1988-4, passed 3-28-88)

### **§ 51.080 COMPUTATION OF BILLS.**

The rates and charges for sewer service, as herein specified, shall be used in computing the gross bill. The net bill, unless payable annually or semiannually, shall be payable on or before the discount expiration date of the bill. In the event the customer fails to pay the net bill within the discount period, the gross bill will become due and payable. The current bill for sewer services may be combined with the current bill for water services for the same premises. All provisions of this chapter with reference to the payment and collection of water bills shall be applicable to the portion of the combined bill attributed to sewer service.

(Ord. 1988-4, passed 3-28-88)

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***ADMINISTRATION AND ENFORCEMENT*****§ 51.095 ENFORCEMENT.**

(A) Owners who have sewer service connections, pipes or other plumbing fixtures which do not conform to the requirements of this chapter at the time of its passage, or at any time thereafter, shall be required to change their sewer service connection, pipes or other plumbing fixtures to conform to such requirements when so instructed by the Public Works Director.

(B) The first notice to the consumer, occupant or user of the service for nonpayment of a bill shall be mailed to the consumer, occupant or user ten days after the due date of the bill. If the bill is not paid within seven days after mailing of the first notice, a second and final notice shall be mailed to the consumer, occupant or user by certified mail. If the bill is not paid within five days after mailing of the second or final notice, water service will be discontinued and the bill will be deemed delinquent. Whenever charges or rates for water or sewer services furnished by the village, become delinquent, the policy of the village shall be to exercise its option under 65 ILCS 5/11-139-8 to sue the consumer, occupant or user of the services to recover the money due for services rendered to that consumer, occupant or user, plus a reasonable attorney's fee to be fixed by the court and to prosecute such suit to final judgment.

(C) The Public Works Department may turn off the water and discontinue or refuse water service to any sewer user who has been or is in violation of any part of this chapter or who refuses or fails to pay for any charges made by the village pursuant to any provision of this code including the provision of § 51.099.

(D) Violation of any provision of this chapter or of any lawful order of the Department or village shall be subject to the penalties specified in this code of ordinances. A separate offense will be considered to have been committed on each day on which a violation is permitted to continue.

(E) The installation of sanitary sewer laterals or connections from the public sewer mains to private property shall be made by the Department at the direction and under the supervision of the Village Board.

(F) The installation of a connection from a private property to the sanitary sewer system, other than by a direct connection, shall only be made at the direction and under the supervision of the Village Board.

(Ord. 1988-4, passed 3-28-88)

**§ 51.096 AUTHORIZED PUBLIC CONTRACTORS.**

(A) When so authorized and directed or when an emergency circumstance exist or arises, the Department may authorize other persons to make or install sewer connections from the public main to private property.

(B) In such cases, the Department shall furnish written authority to perform the work. Any police officer or other city official shall, on observing or being informed of the excavating by any person other than the Department of a connection to the public main, require such person to exhibit his or her authority or permit. If none has been granted, or if the exhibition be refused, the officer shall without delay report the facts to the manager of the Department.

(Ord. 1988-4, passed 3-28-88)

**§ 51.097 SERVICE CALLS.**

A customer or plumber who requests excessive service calls shall pay a fee as follows: between the hours of 8:00 a.m. and 5:00 p.m. on any regular work day, not less than \$15 for each service call; between the hours of 5:00 p.m. and 8:00 a.m. or on Saturday, Sunday or holidays, not less than \$25 for each service call, unless the Department assumes the responsibility because of a problem with the system, material or labor.

(Ord. 1988-4, passed 3-28-88)

**§ 51.098 SERVICE AGREEMENTS.**

No statement in this chapter shall be construed as preventing any special agreement or contract between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment subject to the rate and cost established by the Village Board.

(Ord. 1988-4, passed 3-28-88)

**§ 51.099 DELINQUENT PAYMENTS.**

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of the bill shall have a right to a hearing at which time the customer may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.51.

**§ 51.999 PENALTY.**

Any person, persons, firm, company, corporation or association or their representatives violating any provision of this chapter, upon conviction or a finding of liability, the village may seek an order: requiring the violator to remediate such violation at the violator's sole costs and expense; authorizing the village to remediate the violation with the village being reimbursed by the violator for any and all costs, incurred by the village for such remediation; and/or the imposition of fines of up to \$750 per day for each and every violation with each day a violation exists constituting a separate offense. In addition to any other relief available to the village, the village may apply to a court of competent jurisdiction for any injunction to prohibit the continuation of any violation of this chapter, including, but not limited to, seeking a temporary restraining order, temporary injunction and/or permanent injunction. The village shall also be entitled to recover any and all costs, including attorney fees, it incurs as a part of enforcing any violation of this chapter.

(Ord. 1988-4, passed 3-28-88; Am. Ord. 2014-19, passed 7-22-14)

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## CHAPTER 52: GROUNDWATER PROTECTION AREA

### Section

#### *General Provisions*

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- 52.02 Findings
- 52.03 Purpose and intent
- 52.04 Definitions
- 52.05 Establishment of setback zones
- 52.06 Applicability
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#### *Operating Permits and Permit Conditions*

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#### *Administration and Enforcement*

- 52.50 Unauthorized releases
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- 52.99 Penalty

**GENERAL PROVISIONS****§ 52.01 TITLE.**

This chapter shall be hereinafter known as the “Groundwater Protection Ordinance” and may be cited as such and will be hereinafter referred to as “this chapter” and same shall be and constitute. (Ord. 1998-28, passed 12-7-98)

**§ 52.02 FINDINGS.**

The village finds that:

(A) The continued availability of a natural, uncontaminated supply of water is an important and vital resource benefitting the residents of the village; and

(B) It is in the best interest of the present and future residents of the village both economically and in regard to health, that steps be taken to reduce the risk of contamination to the water supply; and

(C) Restricting the number of future potential sources of contamination to the water supply of the village pursuant to the guidelines established by this chapter and the Illinois Groundwater Protection Act is a reasonable means by which to attempt to provide for a continued unpolluted source of water for the residents of the village and surrounding areas; and  
(Ord. 1998-28, passed 12-7-98)

**§ 52.03 PURPOSE AND INTENT.**

(A) *Purpose.*

(1) 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 the 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 chapter shall apply to all properties located within the village.

(2) This chapter established regulations for land uses within the Groundwater Protection Areas for inspection and monitoring standards for new regulated substance facilities, uniform standards for release reporting, emergency response, substance management planning, permit procedures and enforcement.

(B) *Intent.* It is the intent of this chapter to provide a method:

- (1) To protect the groundwater resources of the village and the surrounding area;
- (2) To provide a means of regulating land uses within the Groundwater Protection Areas;

(3) To protect the village's drinking water supply and that of the surrounding area from potential impacts by facilities that store, handle, treat, use or produce substances that pose a hazard to groundwater quality.

(Ord. 1998-28, passed 12-7-98)

**§ 52.04 DEFINITIONS.**

Except as stated in this chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this chapter shall be the same as those used in the Illinois Environmental Protection Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 *et seq.*), as amended from time to time.

**ACT.** The Illinois Environmental Protection Act (415 ILCS 5/1 *et seq.*)

**AGENCY.** The Illinois Environmental Protection Agency.

**AQUIFER.** Saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs or streams under ordinary hydraulic gradients.

**BOARD.** The Illinois Pollution Control Board.

**CONTAINMENT DEVICE.** A device that is designed to contain an unauthorized release, retain it for cleanup and prevent released materials from penetrating into the ground.

**FACILITY.** This term means:

(1) Any building, structure, installation, equipment, pipe or pipeline, including but not limited to any pipe into a sewer or publicly-owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft; or

(2) Any site or area where a hazardous substance has been deposited, stored, disposed of or placed or otherwise to be located.

**GROUNDWATER.** Underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

**GROUNDWATER PROTECTION AREA (GWPA).** The portion of an aquifer within the Minimum Setback Zone, Maximum Setback Zone or Five Year Capture Zone of a well or well-field, as delineated in Exhibit 2 attached to Ord. 1998-28.

**GROUNDWATER PROTECTION OVERLAY ZONES.** Zones of the GWPA designated to provide differential levels of protection. Each GWPA is subdivided into three groundwater protection overlay zones as described below and as illustrated in Exhibit 2 attached to Ord. 1998-28.

(1) **ZONE 1: MINIMUM SETBACK ZONE.** The geographic area located between a well or well-field providing potable water to a community water supply and a radial area of 400 feet (122 meters).

(2) **ZONE 2: MAXIMUM SETBACK ZONE.** The geographic area located between a well or well-field providing potable water to a community water supply and a regular or irregularly shaped area not to exceed 1,000 feet (305 meters) from the wellhead, but excluding the minimum setback zone.

(3) **ZONE 3: FIVE-YEAR CAPTURE ZONE.** The geographic area located between a well or well-field providing potable water to a community water supply and the delineated five-year zone of capture, but excluding Zones 1 and 2.

**NEW POTENTIAL PRIMARY SOURCE.** This term means:

(1) A potential primary source which is not in existence or for which construction has not commenced at its location as of December 7, 1998;

(2) A potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of December 7, 1998;  
or

(3) A potential primary source which is part of a facility that undergoes major reconstruction. The reconstruction shall be deemed to have taken place.

**NEW POTENTIAL ROUTE.** This term means:

(1) A potential route which is not in existence or for which construction has not commenced at its location as of December 7, 1998; or

(2) A potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of December 7, 1998.

(3) Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

**NEW POTENTIAL SECONDARY SOURCE.** This means:

(1) A potential secondary source which is not in existence or for which construction has not commenced at its location as of December 7, 1998; or

(2) A potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of December 7, 1998, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

(3) A potential secondary source which is a part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a two-year period exceed 50% of the fixed capital cost of a comparable entirely new facility.

(4) Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

**OPERATOR.** Any person in control of or having responsibility for daily operation of a facility.

**OWNER.** Any person who owns a site, facility or unit or part of a site, facility or unit or who owns the land on which the site, facility or unit is located.

**PERSON.** Any person, individual, public or private corporation, firm, association, joint venture, trust, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.

**POTABLE WATER.** Water that is satisfactory for drinking, culinary and domestic purposes meeting currently accepted water supply practices and principals.

**POTENTIAL PRIMARY SOURCE.** Any unit at a facility or site not currently subject to a removal or remedial action which:

(1) Is utilized for the treatment, storage or disposal of any hazardous or special waste not generated at the site;

(2) Is utilized for the disposal of municipal waste not generated at the site, other than

landscape waste and construction and demolition debris;

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(3) Is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

(4) Stores or accumulates at any time more than 75,000 pounds (34,020 kilograms) above ground or more than 7,500 pounds (3,402 kilograms) below ground of any hazardous substances.

**POTENTIAL ROUTE.** Abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells and any excavation for the discovery, development or production of stone, sand or gravel.

**POTENTIAL SECONDARY SOURCE.** Any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source which:

(1) Is utilized for the landfilling, land treating or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste and construction and demolition debris;

(2) Stores or accumulates at any time more than 25,000 pounds (11,340 kilograms) but not more than 75,000 pounds (34,020 kilograms) above ground or more than 2,500 pounds (1,134 kilograms) but not more than 7,500 pounds (3,402 kilograms) below ground of any hazardous substances;

(3) Stores or accumulates at any time more than 25,000 gallons (94,633 liters) above ground or more than 500 gallons (1,893 liters) below ground of petroleum, including crude oil, or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance;

(4) Stores or accumulates pesticides, fertilizers or road oils for purposes of commercial application or for distribution to retail sales outlets;

(5) Stores or accumulates at any one time more than 50,000 pounds (22,680 kilograms) of any de-icing agent; or

(6) Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act. (225 ILCS 225/1 *et seq.*)

**RECHARGE AREA.** The area through which precipitation and surface water can enter an aquifer.

**REGULATED SUBSTANCES.** Those substances found in Exhibit 1, attached to Ord. 1998-28 and incorporated herein.

**SATURATED ZONE.** The zone in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric pressure.

**SETBACK ZONE.** A geographic area designated pursuant to the Act and this chapter, containing a potable water supply well or a potential source or potential route, having a continuous boundary and within which certain prohibitions or regulations are applicable in order to protect groundwaters.

**SITE.** Any location, place, tract of land or facilities, including but not limited to buildings and improvements used for purposes subject to regulations or control by the Act or regulations thereunder.

**UNAUTHORIZED RELEASE.** Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance in a quantity greater than one gallon (eight pounds) from a facility into a containment system, into the air, into groundwater, surface water, surface soils or subsurface soils. Unauthorized release does not include: intentional withdrawals of regulated substances for the purpose of legitimate sale, use or disposal; and discharges permitted under federal, state or local law.

**UNDERLYING PERMIT.** The building permits, sewer tap agreements, stormwater retention permits, occupancy permits, preliminary plat and final plat (required by the Rockton Subdivision Ordinance) and any other applicable approval or permit required by the village in relation to the facility.

**UNIT.** Any device, mechanism, equipment or area (exclusive of land utilized only for agricultural production).

**WELL.** Any excavation that is drilled, cored, bored, driven, dug, fitted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.

**WELL-FIELD.** An area which contains one or more wells obtaining a potable water supply.

**WELL NUMBER.** A well number owned and operated by the village as depicted on Exhibit 2 attached to Ord. 1998-28.  
(Ord. 1998-28, passed 12-7-98)

## § 52.05 ESTABLISHMENT OF SETBACK ZONES.

(A) Minimum setback zones are established as set forth in Exhibit 2 attached to Ord. 1998-28, as that area within a 400 feet (122 meters) radius of each existing or permitted community water supply well within the village or within 400 feet (122 meters) of the village limits of the village.

(B) Maximum setback zones are established as set forth in Exhibit 2 attached to Ord. 1998-28, as that area within a regular or irregularly shaped 1,000 feet (305 meters) radius of each existing or permitted community water supply well within the village or within 1,000 feet (305 meters) of the village limits of the village.

(C) Five-year capture zones are established as set forth in Exhibit 2 attached to Ord. 1998-28, which incorporates and adopts the recharge areas identified by the Groundwater Protection Needs Assessment dated November, 1992, performed for the village pursuant to § 17.1 of the Act. (Ord. 1998-28, passed 12-7-98)

#### **§ 52.06 APPLICABILITY.**

(A) Persons who own and/or operate one or more facilities in a Groundwater Protection Area (GWPA) shall comply with this chapter. This obligation shall be joint and several.

(B) All facilities within a Groundwater Protection Area must comply with this chapter prior to issuance of any underlying permits.

(C) If the Village Zoning Administrators determine that a facility, otherwise exempt from the permit requirements of this chapter, has a potential to degrade groundwater quality, then the Village Zoning Administrator may classify that facility as a now potential primary source, a potential route or potential secondary source and require that facility to comply with this chapter accordingly. Such determination shall be based upon site specific data and shall be eligible for appeal pursuant to § 52.54.

(D) The following are exempt from the permit requirements of this chapter:

(1) The storage and handling of regulated substances for resale in their original unopened containers of 5 gallons (19 liters) or 40 pounds (18 kilograms) or less shall be exempt from the permit requirements of this chapter;

(2) Facilities that use, store or handle regulated substances in quantities of 5 gallons (19 liters) or 40 pounds (18 kilograms) or less of any one regulated substance and in aggregate quantities of 20 gallons (76 liters) or 100 pounds (45 kilograms) or less of all regulated substances shall be exempt from the permit requirement of this chapter;

(3) Single-family residences provided that no home business is operated on the premises;

(4) Public interest emergency use and storage of regulated substances;

(5) Regulated substances used by or for the village in wastewater treatment processes;

(6) Fueling of equipment not licensed for street use, provided that such fueling activities are conducted in a containment area that is designed and maintained to prevent leakage or other violations of this chapter.

(E) The following are exempt from this chapter:

(1) Fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle;

(2) Existing heating systems using fuel oil;

(3) The activities of construction, repairing or maintaining any facility or improvement on lands within Zones 1, 2 or 3, provided that all contractors, subcontractors, laborers, material men and their employees when using, handling, storing or producing regulated substances in Zones 1, 2 or 3 use those applicable “Best Management Practices” set forth in Exhibit 3 attached to Ord. 1998-28 and incorporated herein;

(4) Cleanups, monitoring and/or studies undertaken under supervision of the Illinois Environmental Protection Agency or other state regulatory agency or the United States Environmental Protection Agency;

(5) Activities specifically regulated under 35 Ill. Adm. Code 601.615, 616 and 617 (regulations for existing and new activities within setback zones and regulated recharge areas); 8 Ill. Adm. Code 255 and 256 (regulations for secondary containment for agricultural pesticide and fertilizer facilities); and 8 Ill. Adm. Code 257 (cooperative groundwater protection program for agricultural chemical facilities within appropriate setback zones);

(6) If the owner of a new potential primary source, new potential secondary source or new potential route is granted an exception by the Board (other than land filling or land treating) pursuant to the Act, the owner shall not be subject to this chapter to the same extent that the owner is not subject to the Act;

(7) If 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 pursuant to the Act, the owner shall not be subject to this chapter to the same extent that the owner is not subject to the Act.

(F) Any action by the Agency or Board referred to in this section shall not be final and binding on the village under this chapter until the village has received notice of such proposed action and has had reasonable opportunity to present evidence concerning its interest.

(Ord. 1998-28, passed 12-7-98)

**§ 52.07 GROUNDWATER PROTECTION OVERLAY ZONES.**

(A) The location of Groundwater Protection Areas in the village are defined in Exhibit 2 attached to Ord. 1998-28. Groundwater Protection Area maps shall be placed on file with the Department of Planning, Zoning, Building and Public Works.

(B) In determining the location of facilities within the zones defined by Exhibit 2 attached to Ord. 1998-28, the following rules shall apply:

(1) Facilities located wholly within a GWPA Zone shall be governed by the restriction applicable to that zone;

(2) Facilities having parts lying within more than one zone of a GWPA shall be governed by the restrictions applicable to the more restrictive zone;

(3) Facilities having parts lying both in and out of a GWPA shall be governed by the restrictions applicable to the more restrictive zone.

(Ord. 1998-28, passed 12-7-98)

***OPERATING PERMITS AND PERMIT CONDITIONS*****§ 52.20 GENERAL CONDITIONS.**

(A) No person, persons, corporation or other legal entities shall install or operate a facility in a GWPA without first obtaining a groundwater protection operating permit from the Zoning Administrator.

(B) The focus of review for all permits shall be on the substances that will be stored, handled, treated, used or produced and the potential for these substances to degrade groundwater quality.

(C) All permits required pursuant to this chapter must be issued prior to or concurrent with the issuance of permits for construction activities or underlying permits.

(D) The Zoning Administrator shall not issue an operating permit for a facility unless adequate plans, specifications, test data and/or other appropriate information has been submitted by the owner and/or operator showing that the proposed design and construction of the facility meets the intent and provisions of this chapter and will not impact the short term, long term and cumulative quantity or quality of groundwater.

(E) The application for operating permits pursuant to this chapter shall be made on a form provided by the village and shall be accompanied by a fee of \$200. The annual renewal fee shall be \$25 and shall accompany the annual certification statement.

(F) Any person who owns or operates more than one facility in a single zone of the (GWPA) shall have the option of obtaining one permit for all operations if the operations at each facility are similar and the permit requirements under this chapter are applicable to each facility individually.

(G) An operating permit issued by the Zoning Administrator shall be effective for one year. The Zoning Administrator shall not issue a permit to operate a facility until the Zoning Administrator determines that the facility complies with the provisions of these regulations.

(H) The facility owner shall apply to the village for permit renewal at least 60 days prior to the expiration of the permit. If an inspection of the facility reveals noncompliance, then the Zoning Administrator must verify by a follow-up inspection that all required corrections have been implemented before renewing the permit.

(I) Operating permits may be transferred to a new facility owner/operator if the new facility owner/operator does not change any conditions of the permit, the transfer is registered with the village within 30 days of the change in ownership and any necessary modifications are made to the information in the initial permit application due to the change in ownership.

(J) Within 30 days of receiving an inspection report from the village, the operating permit holder shall file with the village a plan and time schedule to implement any required modifications to the facility or to the monitoring plan needed to achieve compliance with the intent of this chapter of the permit conditions. This plan and time schedule shall also implement all of the recommendations of the Zoning Administrator.

(Ord. 1998-28, passed 12-7-98)

## § 52.21 PERMIT APPLICATIONS.

(A) *Contents of application.* The operating permit application shall include at a minimum the following:

- (1) Name, address and phone number of owner/operator;
- (2) Property address, legal description and property code number or tax identification number of the facility;
- (3) The names and volumes of all regulated substances which are stored, handled, treated,

used or produced at the facility being permitted in quantities greater than the de minimis amounts specified in § 52.06 Copies of all leases pertaining to the facility;

(4) A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of regulated substances in quantities greater than the de minimis amounts specified in § 52.06;

(5) A description of the containment devices used to comply with the requirements of this chapter;

(6) A Regulated Substances Management Plan for the facility;

(7) A description of the procedures for inspection and maintenance of containment devices;

(8) A description of the method for disposal of regulated substances;

(9) Ten copies of a site plan showing the location of the facility and its property boundaries and the locations where regulated substances in containers larger than 5 gallons (19 liters) or 40 pounds (18 kilograms) in size are stored, handled, treated, used or produced and the location of each containment device.

(B) *Conditions for GWPA permits issued to new facilities.*

(1) *Containment devices.*

(a) The owner/operator of a facility must provide containment devices adequate in size to contain on-site any unauthorized release of regulated substances from any area where these substances are either stored, handled, treated, used or produced. Containment devices shall prevent such substances from penetrating into the ground. Design requirements for containment devices include:

1. The containment device shall be large enough to contain 110% of the volume of the container in cases where a single container is used to store, handle, treat, use or produce a regulated substance. In cases where multiple containers are used, the containment device shall be large enough to contain 150% of the volume of the largest container or 10% of the aggregate volume of all containers, whichever is greater;

2. All containment devices shall be constructed of materials of sufficient thickness, density and composition to prevent structural weakening of the containment device as a result of contact with any regulated substance. If coatings are used to provide chemical resistance for containment devices, they shall also be resistant to the expected abrasion and impact conditions. Containment devices shall be capable of containing any unauthorized release for at least the maximum anticipated period sufficient to allow detection and removal of the release;

3. If the containment device is open to rainfall, then it shall be able to accommodate the volume of precipitation that could enter the containment device during a 24-hour, 100-year storm, in addition to the volume of the regulated substance storage required in subsection (a)1 above;

(b) Containment devices shall be constructed so that a collection system can be installed to accumulate, temporarily store, permit detection of the presence of and permit removal of any storm runoff or regulated substance;

(c) Containment devices shall include monitoring procedures or technology capable of detecting the presence of a regulated substance within 24 hours following a release.

(2) *Regulated Substances Management Plan.*

(a) 1. A Regulated Substances Management Plan indicating procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a regulated substance shall be required as a condition of each operating permit. If a spill prevention control plan or similar contingency plan has been prepared in accordance with Illinois or United States Environmental Protection Agency requirements, a Regulated Substance Management Plan is not required as long as all of the regulated substances are included in the spill prevention control plan.

2. The Regulated Substances Management Plan shall include:

a. Provisions to address the regulated substances monitoring requirements;

b. Provisions to train employees in the prevention, identification, reporting, control, disposal and documentation of any unauthorized release of a regulated substance.

(b) The owners or operators of all new facilities shall implement regulated substances monitoring as part of the Regulated Substances Management Plan required by this section. Visual monitoring must be implemented unless it is determined by the village to be infeasible.

(c) All regulated substance monitoring activities shall include the following:

1. A written routine monitoring procedure which includes, when applicable: the frequency of performing the monitoring method, the methods and equipment to be used for performing the monitoring, the location(s) from which the monitoring will be performed, the name(s) or title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment and the reporting format;

2. Written records of all monitoring performed shall be maintained on-site by the operator for a period of three years from the date the monitoring was performed. The village may require the submittal of the monitoring records or a summary at a frequency that the village may establish. The written records of all monitoring performed in the past three years shall be shown to the village upon demand during any site inspection. Monitoring records shall include but not be limited to:

- a. The date and time of all monitoring or sampling;

- b. Monitoring equipment calibration and maintenance records;
- c. The results of any visual observations;
- d. The logs of all readings of gauges or other monitoring equipment or other test results; and
- e. The results of inventory readings and reconciliations.

(d) Procedures for the in-house inspection and maintenance of containment devices and areas where regulated substances are stored, handled, treated, used and produced shall be identified in the operating permit for each facility. Such procedures shall be in writing, and a log shall be kept of all inspection and maintenance activities. The logs shall be submitted to the Zoning Administrator with the renewal applications available for inspection at other times upon 48 hours' notice. Inspection and maintenance logs shall be maintained on-site by the owner or operator for a period of at least three years from the date the monitoring was performed.

(Ord. 1998-28, passed 12-7-98)

#### **§ 52.22 REPORTING.**

The permittee shall report to the Zoning Administrator 15 days after any changes in a facility, including:

- (A) The storage, handling, treatment, use or processing of new regulated substances;
- (B) Changes in monitoring procedures; or

(C) The replacement or repair of any part of a facility that is related to the regulated substances.  
(Ord. 1998-28, passed 12-7-98)

### ***REGULATIONS***

#### **§ 52.35 REGULATIONS WHICH APPLY WITHIN THE MINIMUM SETBACK ZONE OF THE GWPA.**

- (A) *Prohibited uses and activities.*

(1) Except as provided in § 52.06, no person shall place a new potential primary source, new potential secondary source or new potential route within the minimum setback zone of any existing or

permitted community water supply well in the village or within 400 feet (1.22 meters) of the village limits of the village.

(2) Except as provided in § 52.06, no person shall alter or change an existing potential primary source, potential secondary source or potential route where the alteration or change would result in a potential source or route that would be prohibited under this chapter if it were a new potential source or route.

(3) No person shall conduct any activity or engage in a use of property which shall constitute an interference with the health and safety or welfare of a community water supply well or other water well by the accidental, negligent or intentional introduction of contaminants. Such activities are declared to be a public nuisance and are prohibited by this chapter.

*(B) Review and approval of proposed activities.*

(1) All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the maximum setback zone (Zone 2) must be reviewed by the Zoning Administrator for compliance with this chapter, including obtaining a groundwater protection permit pursuant to this chapter, prior to issuance of any underlying permit.

(2) No groundwater operating permit shall be issued unless a finding is made by the Zoning Administrator that the proposal will not impact the long term, short term or cumulative quality of the aquifer. The finding shall be based on the present or past land use activities conducted at the facility; regulated substances stored, handled, treated, used or produced; and the potential for the activities or regulated substances to degrade groundwater quality.

(3) New sources of sanitary sewerage (residential and nonresidential) shall, as a condition of the building permit, be required to connect to an IEPA central sanitary sewer system prior to occupancy.

(Ord. 1998-28, passed 12-7-98)

**§ 52.36 REGULATIONS WHICH APPLY WITHIN THE MAXIMUM SETBACK ZONE OF THE GWPA.**

**[RESERVED]**

(Ord. 1998-28, passed 12-7-98)

**§ 52.37 REGULATIONS WHICH APPLY WITHIN THE FIVE YEAR CAPTURE ZONE OF THE GWPA.**

**[RESERVED]**

(Ord. 1998-28, passed 12-7-98)

***ADMINISTRATION AND ENFORCEMENT***

**§ 52.50 UNAUTHORIZED RELEASES.**

(A) *General provisions.* All unauthorized releases shall be reported to the Zoning Administrator according to the provisions of this section. All unauthorized releases shall be recorded in the owner's inspection and maintenance log. An unauthorized release is an unauthorized release requiring recording if the release is completely captured by the containment device. If the containment device fails to contain the entire release, the release is an unauthorized release requiring reporting.

(B) *Unauthorized releases requiring recording.*

(1) Unauthorized releases requiring recording shall be reported to the Zoning Administrator within 24 hours after the release has been or should have been detected.

(2) The incident report shall be accompanied by a written record, including the following information:

(a) The type, quantities and concentration of regulated substances released;

(b) Method of cleanup;

(c) Method and location of disposal of the released regulated substances, including whether a hazardous waste manifest is used;

(d) Method of future release prevention or repair. If this involves a change in operation, monitoring or management, the owner must apply for a new operating permit;

(e) Facility operator's name and telephone number.

(3) The Zoning Administration shall review the information submitted pursuant to the report

of an unauthorized release requiring recording, shall review the operating permit and may inspect the

facility. The Zoning Administrator shall either find that the containment standards of this chapter can continue to be achieved or shall recommend the revocation of the permit until appropriate modifications are made to allow compliance with the standards.

(C) *Unauthorized releases requiring reporting.*

(1) Unauthorized releases requiring reporting shall be verbally reported to the Zoning Administrator immediately.

(2) A written report shall be submitted promptly thereafter containing the following information that is known at the time of filing the report:

(a) List of type, quantity and concentration of regulated substances released;

(b) The results of all investigations completed at that time to determine the extent of soil or groundwater or surface water contamination because of the release;

(c) Method of cleanup implemented to date, proposed cleanup actions and approximate cost of actions taken to date;

(d) Method and location of disposal of the released regulated substance and any contaminated soils, groundwater or surface water;

(e) Proposed method of repair or replacement of the containment device;

(f) Facility owner's name and telephone number.

(3) Until cleanup is complete, the owner shall submit reports containing the reporting required by § 52.22 to the Zoning Administrator every month or at a more frequent interval specified by the Zoning Administrator.

(4) The Zoning Administrator shall either find that the containment standards of this chapter can continue to be achieved or shall recommend the revocation of the permit until appropriate modifications are made to allow compliance with the standards.

(D) *Owner's responsibilities upon unauthorized release.* Upon confirmation of an unauthorized release to groundwater, the owner shall be responsible for immediately accomplishing the following:

(1) Locate and determine the source of the unauthorized release of the regulated substance;

(2) Stop and prevent any further unauthorized release;

(3) Comply with the requirements for an unauthorized release requiring reporting.

(E) *No new substances to be introduced.* No new regulated substance may be introduced at the site of the regulated substance(s) that caused the violation.

(F) *Village authority.* If an unauthorized release creates or is expected to create an emergency situation with respect to the drinking water supply of the village or a public water supply well within 1,000 feet (305 meters) of the village, and if the facility owner fails to address the unauthorized release in a timely manner, the village or its authorized agents shall have the authority to implement removal or remedial actions. The actions may include, but not be limited to, the prevention of further groundwater contamination; installation of groundwater monitoring wells; collection and laboratory testing of water, soil and waste samples; and cleanup and disposal of regulated substances. The facility owner and operator jointly and severally shall be responsible for any costs incurred by the village or its authorized agents in the conduct of such remedial actions, including but not limited to all consultant, engineering and attorney fees.

(G) *No exemption.* Reporting a release to the Zoning Administrator does not exempt or preempt any other reporting requirements under federal, state or local laws.  
(Ord. 1998-28, passed 12-7-98)

#### **§ 52.51 CLOSURE PERMITS AND PERMIT CONDITIONS.**

(A) No person shall close or cause to be closed a facility regulated pursuant to this chapter without first obtaining a closure permit from the Zoning Administrator. The Zoning Administrator shall not issue a permit to temporarily or permanently close a facility unless adequate plans and specifications and other appropriate information have been submitted by the applicant showing that the proposed closure meets the intent and provisions of this chapter.

(B) Closure permits shall be required for all facilities that cease to store, handle, treat, use or produce regulated substances for a period of more than 365 days or when the owner has no intent within the next year to store, handle, treat, use or produce regulated substances. During the period of time between cessation of regulated substance storage, handling, treatment, use or production and actual completion of facility closure, the applicable containment and monitoring requirements of this chapter shall continue to apply.

(C) Prior to closure, the facility owner shall submit to the Zoning Administrator a proposal describing how the owner intends to comply with closure requirements. Owners proposing to close a facility shall comply with the following requirements:

(1) Regulated substances shall be removed from the facility, including residual liquids, solids

or sludges to levels specified by the Illinois Environmental Protection Agency;

(2) When a containment device is to be disposed of, the owner must document to the Zoning Administrator that disposal has been completed in compliance with the Act;

(3) An owner of a containment device or any part of a containment device that is destined for reuse as scrap material shall identify this reuse to the village.

(D) The owner of a facility being closed shall demonstrate to the satisfaction of the Zoning Administrator that no detectable unauthorized release has occurred or that all unauthorized releases have been cleaned up. This demonstration can be based on the ongoing leak detection monitoring or soils sampling performed during or immediately after closure activities.

(E) If an unauthorized release is determined to have occurred, the facility owner shall comply with § 52.50.

(F) Facility closure will be accepted as complete by the Zoning Administrator upon implementation of the closure permit conditions and compliance with all other provisions of this chapter.

(G) No person shall temporarily or permanently abandon a facility in a GWPA without complying with the requirements of this chapter.

(H) The application for a closure permit pursuant to this chapter shall be made on a form provided by the village and shall be accompanied by a fee of \$200.

(I) Any person who owns or operates more than one facility in a single zone of the GWPA shall have the option of obtaining one permit for all simultaneous closures if the operations at each facility are similar and the permit requirements under this chapter are applicable to each facility individually. (Ord. 1998-28, passed 12-7-98)

**§ 52.52 ENFORCEMENT.**

(A) The village shall be the administering agency and shall have the power and authority to administer and enforce the provisions of this chapter. The village shall have the right to conduct inspections of facilities at reasonable times to determine compliance with this chapter.

(B) The Zoning Administrator may revoke any permit issued pursuant to this chapter after notice to the permittee and after affording the permittee an opportunity to meet either in person or by telephone if it finds that the permit holder:

- (1) Has failed or refused to comply with any provision of this chapter;

(2) Has submitted false or inaccurate information in a permit application;

(3) Has refused lawful inspection;

(4) Has an unauthorized release and the Zoning Administrator finds that the containment standards of this chapter cannot continue to be achieved.

(Ord. 1998-28, passed 12-7-98)

### **§ 52.53 NOTICE OF VIOLATION.**

Whenever it is determined that there is a violation of this chapter, the notice of violation issued shall:

(A) Be in writing and delivered to the owner or operator by regular mail;

(B) Be dated and signed by the authorized village agent making the inspection;

(C) Specify the violation or violations; and

(D) Specify the length of times (not less than 72 hours) to correct the violation after receiving the notice of violation.

(Ord. 1998-28, passed 12-7-98)

### **§ 52.54 APPEALS.**

(A) The Mayor shall appoint, subject to the Village Board's approval, the Groundwater Appeals Committee. The Committee shall consist of the Mayor, Public Works Director and Zoning Administrator.

(B) Any decision by the Zoning Administrator under this chapter may be appealed to the Groundwater Appeals Committee.

(C) The Groundwater Appeals Committee shall also hear petitions to exempt a facility from the requirements of §§ 52.20 through 52.22 as follows:

(1) The applicant may demonstrate that the five-year capture zone area map incorrectly identify the facility as being within the Groundwater Protection Overlay Zone. The burden of proof shall rest upon the applicant to demonstrate that the facility location is not within a delineated five-year capture zone area. The applicant shall be required to present detailed hydrogeologic and hydrologic

information

to the Groundwater Appeals Committee that the facility location is, in fact, not within a five-year capture zone area.

(2) The applicant may be required to present detailed technical information that a material on the Regulated Substances List does not endanger the GWPA in the event of an unauthorized release. To continue the permit appeal process, the applicant shall provide funds to the Groundwater Appeals Committee to pay for the technical review by the Groundwater Appeals Committee's choice of consultant of the hydrogeologic and hydrologic information and/or regulated substance information and shall base its recommendation, in part, on the report by the consultant.

(D) Appeals to the Groundwater Appeals Committee take place by filing an appeal in writing with the Village Clerk of the village within 14 days after receipt of a decision in writing from the Zoning Administrator. Petitions to the Groundwater Appeals Committee to exempt a facility should also be filed with the Village Clerk of the village. A hearing with the Groundwater Appeals Committee will be held within 30 days of submission of the appeal or petition. A decision by the Groundwater Appeals Committee will be made in writing within 30 days of the hearing.

(Ord. 1998-28, passed 12-7-98)

**§ 52.99 PENALTY.**

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor and a nuisance. It shall be a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

(B) Any owner or operator who violates any provisions of this chapter shall be subject, upon conviction in court, to a fine not to exceed \$750 per day per facility.

(C) In addition to any fines and penalties set forth above, the owner or operator shall reimburse the village for all costs incurred as a result of responding to, containing, cleaning up or monitoring the cleaning up and disposal of any spilled or leaked regulated substance, including but not limited to consultant, engineering and legal fees.

(Ord. 1998-28, passed 12-7-98)



## CHAPTER 53: WATER SERVICE

### Section

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***GENERAL PROVISIONS***

**§ 53.01 DEFINITIONS.**

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

***APPROVED SERVICE CONNECTION.*** An individual service pipe, corporation stop, curb stop and box or individual service pipe to the curb line with gate valve and box for a single premises.

***CATASTROPHIC FAILURE.*** An unforeseen break or failure in a water main, water line or appliance which uses or is connected directly or indirectly to the Rockton Village Water Works System where the break or failure is not the result of any neglect or a failure to perform maintenance by a customer.

***COMMERCIAL CUSTOMER.*** The water user or owner of the premises using water which is supplied by the Department where the structure serviced is other than a single-family dwelling. This definition shall include multiple-family units located on the same premises being served through a

single water meter, such as cottages, apartment buildings and residential units located within the same building.

**CONDOMINIUM UNIT.** A single unit, as defined by the Illinois Condominium Act and as designated by the Articles of Incorporation of any Condominium Association, whether the unit is intended for use for residential or commercial purposes and whether the unit is a single free-standing structure or contained as a unit within a multi-unit structure.

**CURRENT DELINQUENT ACCOUNT.** Any outstanding water bill account of any kind which is more than 30 days past due as of the effective date of Ord. 1998-17.

**CUSTOMER.** The water user or applicant for water service for any premises which is or is about to be supplied with water by the Department.

**DEPARTMENT.** The Water Department of the Village of Rockton.

**IRRIGATION SYSTEM.** Any watering system that contains more than two sprinkling heads.

**MULTIPLE OCCUPANCY.** Occupancy by two or more families, firms, corporations or associations which shall include condominiums.

**OWNER or OWNERS.** The person or entity having legal title to the premises which is, or is about to be, supplied with water by the Department.

**PREMISES or SINGLE PREMISES.** A tract of land with one building constructed for single or multiple occupancy or a tract of land with two or more buildings constructed for single or multiple occupancy or a tract of land with two or more buildings having single occupancy. The definition of **PREMISES** or **SINGLE PREMISES** shall not apply to individual trailer courts, parks or camps where the tract of land is occupied by more than one trailer.

**SINGLE-FAMILY RESIDENTIAL CUSTOMER.** The water user or owner of any premises using water which is supplied by the Department where the structure serviced is used as or designed and intended to be used as a single family dwelling.

**SINGLE OCCUPANCY.** Occupancy by one family, firm, corporation or association.

**TENANT.** Any customer occupying premises under lease or tenancy from the owner or person holding under the owner.

**WATER USER.** The person or entity actually making use of village water services on a subject premises.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1998-17, passed 9-8-98; Am. Ord. 1999-19, passed 11-15-99; Am. Ord. 2000-22, passed - -00; Am. Ord. 2000-29, passed 1-2-01)

**§ 53.02 RULES AND REGULATIONS PART OF CONTRACT.**

The provisions of this chapter, including the terms and conditions regarding payment of bills, rights of the village to collect past due bills and the right of the village to claim reasonable attorney's fees as a result of collection efforts shall be considered a part of the contract between the Department and every customer, and the acceptance and use of water service shall constitute an acceptance of such provisions.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1998-17, passed 9-8-98)

**§ 53.03 CONSENT TO ANNEXATION.**

Properties contiguous to the village limits shall annex to the village before water service is provided, and being within the village limits shall be a condition of continued water service. Properties not contiguous to the village may be permitted to connect to the village water system, provided that the property owner or owners execute and file with the village a written agreement, of acceptable form to the village, to take all necessary action to annex the property to the village when it becomes contiguous to the village limits. If the owner or owners fail or refuse to annex once contiguous, the Department shall notify the Village Board, who may take action to discontinue all water service for the premises.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 2006-19, passed 11-21-06)

**§ 53.04 WATER CONSERVATION.**

(A) Whenever and for so long as a water emergency exists in the village by reason of drought, excess usage, shortage of supply or other reason, use of water from the water system of the village, for uses as hereinafter specified, shall cease or be curtailed as may be provided by proclamation.

(B) The emergency shall be deemed to exist only when so certified and proclaimed by the Village President, in writing, which certificate, to be effective, must also bear the written approval of the Chairperson of the Public Works Committee or Public Works Committee member. If, by such certificate, the specified uses are not to cease entirely, the certificate shall specify the rules and procedures for curtailed use.

(C) The emergency, and the consequent cessation or curtailment, may be terminated only by the certificate of the President approved by the Chairperson of the Committee or Committee member.

(D) The provisions of this section shall apply to all persons using both in and outside of the village and regardless of whether any person using water shall have a contract for water service with the village.

(E) The uses for which water service may be curtailed or stopped during such emergency are as follows:

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- (1) The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation;
- (2) The washing of automobiles, trucks, trailers, trailer-houses, railroad cars or any other type of mobile equipment;
- (3) The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces;
- (4) The washing of the outside of dwellings and the washing of the inside of office buildings;
- (5) The washing and cleaning of any business or industrial equipment or machinery;
- (6) The operation of any ornamental fountain or other structure making a similar use of water;
- (7) Swimming and wading pools not employing a filter and recirculating system;
- (8) The escape of water through defective plumbing which shall mean the knowing permission of defective plumbing to remain out of repair;
- (9) Air conditioning systems or devices for the cooling or dehumidification of space for human occupancy in which water from the village water system is the principal medium.

(F) Water conservation measures shall be in effect from June 1 until September 30 of each year and shall consist of the following restrictions:

(1) *Odd/even sprinkling.* Persons who own, rent, work or otherwise occupy dwellings, commercial or industrial business, which are connected to the Rockton water system shall not water, sprinkle, irrigate or otherwise deliver Rockton water system water to any shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, vegetables, flowers or other vegetation except on even numbered days if the last digit of the property street address ends in an even number (0, 2, 4, 6, 8) or on odd numbered days if the last digit of the property street address is an odd number (1, 3, 5, 7, 9). A further restriction is placed on the times of day you may do any of the above listed activities on your specified day to only between the hours of 5:00 a.m. and 9:00 a.m. and 6:00 p.m. and 10:00 p.m.

(2) *Exceptions.* Exceptions to subsection (F)(1) are as follows:

(a) Trees, small shrubs, ornamental flowers and ornamental plants, excluding grass, may be watered by hand by any occupant of the premises on any day and at any time. Hand watering requires a garden hose, watering can or pail or other device used to carry water to be handled in the

hand of the individual. Individuals may not allow any sprinkler to operate or garden hose to distribute water to any plants at any time unless held within their hand;

(b) Any resident who either installed or had installed a new yard during the current calendar year through either seeding or sodding may apply and obtain permission to water a new yard through the Director of Public Works. The permit shall expire four weeks after the date of issuance. The permit shall state the date issued and the date of expiration. In such case, daily watering of yards is allowed, however, only during the times specified above. The permit shall be posted in a predominantly visible place in the front of the residence, preferably on the mailbox belonging to the property.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1991-6, passed 7-15-91)

### **§ 53.05 FLUORIDATION OF WATER SUPPLY.**

Supply to such approval by the Illinois Department of Public Health as may be necessary or required, the village is authorized and directed to provide the means and to proceed with the addition of not more than 1.2 parts of fluoride to every 1,000,000 parts of water being distributed in the water supply system of the village.

(Ord. 1988-3, passed 3-21-88)

### **§ 53.06 DUTY OF OWNER; ACCESS FOR INSPECTION.**

(A) The Village Board, its authorized agents and other persons duly authorized by the Village Board shall be entitled to access the premises of any contributor for the purpose of inspection, observation, measurement, sampling and testing at any reasonable time to such extent as may be necessary to carry out the spirit and intent of this chapter, and it shall be deemed a part of the agreement on the part of the contributor as a condition to his or her permission to connect with the village water system that such access be granted.

(B) If the owner refuses to move the structure, it shall be removed by the Department at the owner's expense, and the owner will be subject to a fine of not less than \$10 or more than \$1,000 after notification by the Department. Each day of violation shall be deemed as a separate violation of this chapter.

(C) No public easement shall be blocked by trees, plants, shrubs or any structure, whether temporary or permanent. Any object, living or non-living, which impedes ingress or egress of Department equipment or personnel for the inspection maintenance or repair of the sewer lines in the easement shall be removed by the owner at the Department's request.

(Ord. 1988-3, passed 3-21-88)

### **§ 53.07 ENFORCEMENT.**

(A) Owners who have water service connections, pipes or other plumbing fixtures which do not conform to the requirements of this chapter at the time of its passage or at any time thereafter shall be

required to change their water service connections, pipes or other plumbing fixtures to conform to such requirements when so instructed by the Manager of the Department.

(B) The Department may turn off the water and discontinue or refuse water service to any customer, consumer or owner who has been or is in violation of any part of this chapter or who refuses or fails to pay for any charges made by the Department pursuant to any provision of this code.

(C) Violation of any provision of this chapter or of any lawful order of the Department shall be subject to the penalties specified in § 10.99.

(Ord. 1988-3, passed 3-21-88)

### ***SERVICE REQUIREMENTS AND REGULATIONS***

#### **§ 53.20 ACCESS TO PREMISES.**

(A) Any agent of the Department shall have access to the premises of any customer at any reasonable time to read, repair or remove the meter to inspect the service, fixtures or uses.

(B) An agent or employee of the Department, whose duties require entry upon private premises, will be provided with a badge or other credentials to identify him or her as an authorized agent of the Department.

(C) Any discourtesy on the part of any employee or agent of the Department should be reported to the Department office.

(Ord. 1988-3, passed 3-21-88)

#### **§ 53.21 SERVICE PIPE CONNECTIONS AND CURB STOP.**

(A) (1) All applications for water service pipe connection shall be made at the office of the Village Clerk, in writing, on forms furnished by the village, by the owner or duly authorized agent of the owner of the premise to be supplied and shall state truly and fully the uses to which water is to be applied, the size of the connection desired and the correct lot, block and street number of the premise to be supplied. The owner shall install a service pipe connection using such materials and size that the village deems necessary, however, Type K soft temper copper service pipe is preferred and no service pipe connection shall be smaller than one inch. The use of polyethylene, polyvinyl chloride (PVC), chlorinated polyvinyl chloride (CPVC), or other such “plastic” pipe approved as water service pipe by the Illinois Department of Health, shall be allowed for residential (single-family or multiple-family)

water service installations only. Any such use of plastic pipe shall include copper connectors to the meter. The service connection charge for such hook-up shall be as designated by the Village Board. There shall be no service connection charge for hook-up for any government taxing entity. However, said government taxing entities shall be responsible for the reasonable costs of any necessary hardware, such as meters and check valves.

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(2) Any permit issued pursuant to application under this section shall be valid for a period of six months from the date of issuance. If connection to the village water system and meter installation have not been completed within that time period, the permit shall be become invalid and a new permit must be obtained and payment of any and all current applicable fees must be made before such connection shall be permitted.

(B) The service pipe will be extended from the main to a point inside the curb line and connected to a curb stop. All curb stops that are installed or replaced shall be located a minimum of five feet, or such other distance as may be required by the Village Public Works Director, from the edge of any paved or hard surface (e.g. roadways, driveways and sidewalks). All piping beyond the curb stop is part of the plumbing and must be installed by the plumber employed by and at the costs of the applicant.

(C) Whenever a plumber has completed work on a new installation, he or she shall leave the water turned off at the corporation stop in the street or at the curb stop.

(D) (1) Each single premises, including each individual condominium unit, is required to have its own individual service connection, and no premises shall be supplied by more than one service pipe other than for a private fire protection service, except by special written approval of the Department.

(2) Any existing apartment contained in a multi-family apartment building structure which is after the effective date of Ord. 2000-29, converted to a condominium unit shall thereafter be required to have its own individual service connection, and no such premises shall be supplied by more than one service pipe other than for a private fire protection service, except by special written approval of the Department.

(3) The foregoing requirements for separate meter, service and billing to each individual condominium unit shall be waived if pursuant to applicable condominium association by-laws the Condominium Associates assumes responsibility for payment of water bills for all association members/units. In order for the waiver to be granted a Condominium Association through its officers must file with the Village Clerk a letter indicating its intent to assume responsibility for payment of water bills for service to all units and it must provide a copy of the applicable by-law provision.

(4) Condominium units already in existence as of the effective date of Ord. 2000-29, which do not already have a separate meter and service are exempt from the provisions of this section unless and until the first of the following shall occur:

(a) The condominium unit is sold;

(b) The water service system to the multi-unit structure housing the condominium units is required to be repaired;

(c) The unit or building housing the unit, including common areas, undergoes repairs or improvements to 51% or more of the structure.

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(5) Upon the occurrence of the first of the foregoing, the unit owner is responsible for all costs associated with providing a separate service and a separate meter to the condominium unit.

(E) If more than one service connection is installed with Department approval to supply a single premises, the piping system of one connection shall not be connected with the other except with the express permission of the Commission.

(F) The service shut off boxes (i.e. curb stop) shall be under the sole control of the Department and no one except an employee or person authorized by the Department shall open the cover of such box or turn off water. However, licensed plumbers may turn on or turn off water for testing plumbing or making repairs, but whenever so used, the curb stop or corporation stop shall be left closed if found closed, or open if found open.

(G) An owner of premises without an individual approved water service connection, or which may otherwise not conform to the requirements of this chapter at the time of passage, may be required to install a service connection, curb stop, corporation stop or other changes to conform to this chapter, as may be required by the Manager of the Department.

(H) The service pipe shall be installed only from the main in the street adjacent to the premise to be served.

(I) Application for a service pipe will accepted subject to there being a city water main adjacent to the premises to be served and the Department shall not be obligated to extend its mains to serve premises to which no city main is adjacent.

(J) Upon application to the Board of Trustees for a water main extension, such extension may be made under the rules and regulations adopted by the Village Board.

(K) Application for a service pipe installation will be accepted between November 1 and April 1, only if the applicant agrees to pay any excess cost attributable to adverse weather conditions during the installation period.

(L) Individual parks or camps may be served with one metered water service connection.

(M) The means of metering individual or privately owned shopping centers, apartment complexes, institutional and manufacturing sites with more than one building and with no easement or public dedication may be served with one water service connection. The number of connections shall be determined by the Department and by special approval of the Village Board of Trustees.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1998-14, passed 6-15-98; Am. Ord. 2000-29, passed 1-2-01; Am. Ord. 2002-11, passed 4-16-02; Am. Ord. 2006-14, passed 9-19-06; Am. Ord. 2014-22, passed 8-19-14)

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**§ 53.22 REPAIRS TO SERVICE PIPE CONNECTIONS.**

(A) Maintenance and repairs of an approved service connection from the main to the curb line will be made by and at the expense of the Department, except as otherwise provided for in division (C) below. If the service pipe between the curb line and the curb stop and/or the curb stop is leaking, it may be repaired or replaced by and at the expense of the Department when it is deemed advisable or warranted, in the judgment of the Department. Existing service connections which are doubled at the curb may be replaced with a single or a double connection at the discretion of the Department.

(B) If a service connection is replaced or renewed at the request of the owner for the purpose of providing a larger water supply or for some other purpose, the Department will install the service connection at the cost of the owner. If a new connection is installed at the request of the owner in a different location, the existing connection shall be cut off at the main at the expense of the owner.

(C) Whenever the service pipe from the main to the curb line, including the curb stop and/or corporation valve, is damaged by someone other than an employee of the Department, the repairs shall be made by the Department and the costs thereof charged either to the property owner or the party responsible for the damage.

(D) Any defect or damage in the service from the curb line to the water meter shall be the responsibility of the owner of the property owner and shall be repaired by the property owner within a reasonable time or the water may be turned off, with or without further notice.

(E) The Department will use care in its operation or use of the curb stop or gate valve, but it shall not be liable if the service pipe from the curb or from the curb stop into the premises is broken or damaged in turning on or turning off water for repairs, nonpayment of bills or for any other reason.

(F) Neither the village nor the Department shall be responsible by reason of failure in the supply of water for the breaking of any service pipe, apparatus or water coil.  
(Ord. 1988-3, passed 3-21-88; Am. Ord. 2014-22, passed 8-19-14)

**§ 53.23 ABANDONED SERVICE PIPES.**

Abandoned service connection may be cut off at the main by, and at the expense of, the Department, except that when the service connection is abandoned because of the installation of a new connection, as provided in § 53.22(B), the cost shall be paid by the customer.

(Ord. 1988-3, passed 3-21-88)

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**§ 53.24 APPLICATION FOR WATER SERVICE.**

(A) All applications for water service shall be made on forms provided by the Department, and upon acceptance by the Department, the application shall constitute a contract between the applicant and the village obligating the applicant to pay for water service and to state truly and fully the use to which the water is to be put.

(B) A new application shall be made, subject to approval by the Department, upon any change in tenancy where the tenant has contracted for water service or upon any change in ownership when the owner has contracted for water service. When such change is made without giving the Department notice, within 48 hours after such change, the new tenant or owner may be held responsible for payment for all water service from the most recent meter reading.

(Ord. 1988-3, passed 3-21-88)

**§ 53.25 CHANGE OF LOCATION.**

A customer who changes his or her residence or business from one location to another shall be given no further water service until all delinquent bills or charges due the Department, for which he or she is in any way responsible are paid in full. If such service has been started inadvertently, it may be turned off until settlement of such delinquent bill is made, and in that event a charge will be made for again turning on the water that is established in § 53.33.

(Ord. 1988-3, passed 3-21-88)

**§ 53.26 VOLUNTARY DISCONTINUANCE OF SERVICE.**

A customer desiring to discontinue water service shall give notice to the Department office. The Department may then cause the water to be turned off and the meter removed. Water service charges will be made until such notice is given. The customer shall provide free access to the meter for at least 24 hours after notice is given, so that the meter may be removed. The customer shall be responsible for the meter until it is removed, and, if lost or stolen, shall pay the actual replacement cost.

(Ord. 1988-3, passed 3-21-88)

**§ 53.27 DEPARTMENT NOT LIABLE FOR DAMAGE.**

In turning on water for any reason, the Department may assume that the piping and fixtures which the service will supply are in order to receive service and it shall not be responsible for any accident, break, leakage or damage which may occur by reason of improper fixture, open or improper connection or for any other reason.

(Ord. 1988-3, passed 3-21-88)

**§ 53.28 METERS; LOCATION, TESTING, REQUIREMENTS.***(A) Meters and their location.*

(1) The Department shall determine the size of the meter suitable for the service requested.

(2) All water shall be metered and the bills rendered to the customer, at rates established by ordinance. The Department, at its option, may place and maintain a meter upon the service pipe of any customer and furnish such supply at meter rates.

(3) If, at the request of, and for the convenience of the owner of a tract containing more than one building, water furnished to the premises through a single meter for the purpose of redistribution to the several buildings, the size of each block in the applicable rate schedule shall be multiplied by the number of buildings served through such single meter. For such premises the minimum bill or charge set forth in the applicable rate schedule for a <sup>5</sup>/<sub>8</sub>-inch meter shall be multiplied by the number of buildings served and the product thereof shall be the minimum bill for such premises.

(4) All meters shall be furnished and set by the Department and paid for the owner. Owners shall provide a suitable location for placement of the meters. Meters shall be placed in a horizontal position on the service pipe, not to exceed two feet from the wall where such pipe enters the building. If the piping will not accommodate a meter in a horizontal position, the Department may refuse to place a meter until the piping is changed to permit a horizontal setting.

(5) There shall be a stop and waste between each meter and the wall and a suitable place provided for the meter so as to keep it dry, clean and readily accessible to employees of the Department. A valve shall be placed on the pipe on the outlet side of each meter not more than three feet from the meter. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner.

(6) Where a meter, or meters of two inches or larger diameter are desired, the owner, or his or her plumber, shall obtain instructions from the Department regarding the fittings and space to be provided.

(7) A suitable check valve shall be placed on the outlet side of the meter, if required by the Department. If a check valve is required, a safety valve should be inserted on the house piping to relieve any excess pressure due to heating water.

(8) Whenever necessary, in order to meter the entire supply or to protect the meter, the Department may require that the meter be installed in an underground chamber or patent meter box approved by the Department. The installation of the chamber or meter box shall be made by and at the

expense of the owner.

(9) All private service connections with the village water supply hereafter installed shall include a remote recording device installed at a convenient location on the exterior of the volume of water passing through the water meter. The remote recording device shall be furnished by the village and shall remain the property of the village.

(10) The customer shall be responsible for the care and protection of the meter from freezing or hot water damage and from any other injury or interference from any person. For all such damage, necessary repairs shall be made by the Department and the cost billed to the customer. If payment is neglected or refused the water service may be turned off until payment, plus the charge established in § 53.33 for turning on the service is made. Damaged meters may be repaired without notice to the customer.

(11) No one shall interfere with the proper registration of a water meter and no one, except an authorized employee of the Department, shall break the seal of a meter. However, the Manager may permit licensed plumbers in case of emergency to break the seal for draining the pipes or stopping water leaks.

(B) *Testing meters.*

(1) The Department may remove and test any meter at any time and substitute another meter in its place.

(2) No meter shall be placed or allowed to remain in service if its average accuracy of registration, as defined by the standard practices of the American Water Works Association, is known to be more than 2% over or under 100%.

(3) The Department shall not be liable for broken pipes, leaking pipes or damage to any plumbing or fixtures resulting from the changing meter. The owner shall maintain the pipes, fixtures and plumbing in such repair that a meter may be removed or installed at any time.

(C) *Meter requirements.*

(1) Each premises, whether residential or commercial, that is supplied water services, that is all of, or a parcel of property that is recorded as a subdivision whose plat is recorded after July 1, 1987, shall be metered. The purchase price and cost of installation of all meters shall be paid by the property owner.

(2) Each premises that changes ownership, either through purchase, land contract or gift, after January 1, 1989, shall, at the expense of the owner, be required to install a water meter in accordance with the regulations of this chapter.

(3) When 51% of all residential units are metered, but in no case later than December 31, 1994, all residential owners shall be converted to a metered system.

(4) After December 31, 1994, it shall be unlawful for any owner, builder or developer to knowingly use or permit to be used water supplied by the village if no water meter has been properly installed on the premises or if a meter, once installed, has been bypassed in any manner so that accurate flow amounts are not recorded.

(5) It shall be unlawful for an owner, builder, developer, plumber or any other person to connect village water lines to any premises not having a properly installed water meter.

(6) Violation of subsections (4) and (5) above shall be punished by a fine of not more than \$750. Each day of any violation at any single premises shall constitute a separate offense. Further, if the violator is determined to be any officer, employee or agent of any developer or builder or a person making the unlawful connection to village water lines at the request of any officer, employee or agent of any developer or builder, any water and sewer connection permits previously issued by the village for the subject premises at the discretion of the Village Board of Trustees may be revoked. In the event that the Village Board contemplates revocation of any permits previously issued, the permit holder shall be notified by certified mail of the intent and at the regularly scheduled meeting of the Village Board at which revocation of the permit(s) is to be discussed, the permit holder (owner, builder or developer) shall be given an opportunity to speak and present evidence as to why the subject permits should not be revoked. In the event the Village Board determines at the conclusion of such hearing that revocation of the permits is appropriate, the Board by motion approved by the majority of the members of the Village Board of Trustees shall immediately revoke the permit(s). In such an event, the permit holder will be notified either personally of the decision if he or she or an agent is present or by separate mailing sent by the Village Clerk to the last known address of the permit holder. If water and sewer permits are revoked, no further construction or work of any type shall be permitted to occur on the subject premises until such time as new water and sewer connection permits have been applied for and issued. The new permit application must be accompanied by the proper connection permit fee. In the event that water and sewer permits are revoked, the village shall not be required to refund previously paid connection permit fees.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1999-18, passed 11-15-99)

### **§ 53.29 PUBLIC FIRE HYDRANTS.**

(A) No person, except a member of the Fire Department, Rockton Fire District, Street and Sewer Department or Water Department of the city shall open any public fire hydrant on the mains of the Water Department.

(B) The Department shall be notified at once when any fire hydrant is opened, for any reason

whatsoever, between the first day of November and the first day of April so that it may be inspected following its use.

(C) All newly installed fire hydrants shall have their discharge at least 14 inches, but not more than 26 inches from the surface from which the hydrant protrudes.

(D) No person shall construct, maintain or install any object within 48 inches of a fire hydrant. No person shall install, maintain, construct or enlarge any barriers, trees, bushes, walls or other obstacles which may hide or impede the use of a fire hydrant.

(Ord. 1988-3, passed 3-21-88)

**§ 53.30 PRIVATE FIRE PROTECTION.**

(A) Application may be made to the Department for a private fire connection, by the owner of any premises, in writing, accompanied by complete and correct drawings showing the location of the premises and of all water pipes, hydrants, tanks, sprinkler heads and other appurtenances on the premises. The plans shall remain the property of the Department.

(B) The application shall be approved, and the services installed, only where practical and convenient, in the sole discretion of the Department.

(C) All fire service connections shall be installed by the Department from the water main to the curb line.

(D) The fire connections shall be installed with a gate valve at the water main. The owner shall install a gate valve with an indicator post at the curb or property line. A detector check valve tapped for by-passing the check valve and a rising stem gate valve and a low flow meter on the system side of the check valve shall be installed, by and at the owner's expense, where and immediately after the supply pipe enters the premise. The type and make of the detector check valve shall be subject to the approval of the Department.

(E) The applicant shall pay the cost of the installation of such fire service connections, plus 20% additional to cover overhead expense. All repairs to the service pipe between the street main and the curb line shall be made by and at the expense of the Department.

(F) The Department may limit the size of fire protection service where the street mains are of such size as to make it necessary to protect the public. If more than one service is installed to the same premises, the piping system of one shall not be connected with the system of the other except by special permission of the Department.

(G) No private fire protection service line shall be larger than eight inches in diameter.

(H) Failure to pay the cost of installing the fire service within 30 days after the date of the bill will

be sufficient cause for turning off the water in the service.

(I) The connection shall be used for fire purposes only and shall have no connection whatever with any taps used for other than fire purposes, and, because of the danger of pollution, shall have no connection with any other source of supply.

(J) The customer shall permit no water to be drawn through this connection for any purpose other than the extinguishment of fires or the period testing of the fire system.

(K) The customer shall give the Department reasonable notice of the time of all tests, so that, if desired, the Department may have a representative present. The notification need not be formal, but may be given by telephone to the office of the manager.

(L) Any authorized representative of the Department shall have free access to the building at any reasonable time for the purpose of inspecting the service connections, piping and appurtenance.

(M) The Department may, at any time, set a meter on the connection, which will meet requirements of the insurance companies, at the expense of the owner. If a meter is installed, the established rates, including both water and service charges, will apply but nothing herein shall be construed as compelling the Department to install a meter. The Department shall designate the size and number of meters necessary for water service other than for private fire protection through hose connections and the property owner may request the additional meter or meters that might be necessary because of hose connections for private fire protection service.

(N) Private fire protection service will be supplied subject to the right of the village to use water in the street mains, through hydrants, for fire purposes. The Department may shut off the supply at any time in case of an accident or to make alterations, extensions, connections or repairs. There shall be no guarantee as to pressure in the service connection, pipe or main supplying the same, and the Department shall not be liable for loss or damage to the customer for deficiency or failure in the supply of water, whether occasioned by accident, alterations, extensions, connections, repairs or for any cause whatsoever.

(O) If the water is shut off, or there is a deficiency or failure in the supply from any cause continuing for two days or more the customer shall be entitled to a pro-rata credit on the regular bill.

(P) If more than one 2-inch or two 1½-inch hose connections are installed on a domestic water service, the hose connection shall be installed on a stand-pipe or riser which is connected to the water service piping on the street side of the water meter.

(Q) Violations of any conditions, rules or regulations shall entitle the Department, at its opinion, to discontinue the fire service connection and shut off the service, without notice. Waiver of any violation or violations shall not be construed as a waiver of subsequent violations.

(Ord. 1988-3, passed 3-21-88)



**§ 53.31 SERVICE PIPE AND MAIN RECORDS.**

Information obtained from the records, maps and employees of the Department as to the location of mains and services will be furnished to licensed plumbers and interested parties but the Department is not responsible for their accuracy.

(Ord. 1988-3, passed 3-21-88)

**§ 53.32 PLUMBING LEAKS.**

All complaints of customers shall be promptly investigated. The Department shall not be responsible for the condition of plumbing and fixtures in the customer's premises, but will give all possible assistance in detecting a leak.

(Ord. 1988-3, passed 3-21-88)

**§ 53.33 SERVICE CALLS.**

(A) Charges by the Department for turning off water to make repairs, to locate the curb stop or gate valve or to make an inspection of the water service or plumbing, when requested by a customer or owner, shall be as follows: not less than \$25 for each service call between the hours of 7:30 a.m. and 3:30 p.m. Monday through Friday; and not less than \$50 for emergency service calls between the hours of 3:30 p.m. and 7:30 a.m. or on a Saturday, Sunday or legal holiday.

(B) In addition, the Department will charge the customer \$25 for each request of transfers, frozen meters, high bills, special reads, service leaks and miscellaneous calls, unless the Department assumes the responsibility therefore.

(C) The Department will charge the customer \$100 for the disconnection of any service at the curb stop should the customer fail to pay the water bill in compliance with § 53.68. Disconnections pursuant to this provision and reconnection of services after payment in full shall be performed by the Director of Public Works or his or her agents only during regular business hours of 7:30 a.m. to 3:30 p.m. Monday through Friday. No disconnection or reconnection of services shall be performed after hours, on weekend days or holidays.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1998-17, passed 9-8-98)

**§ 53.34 BOILER AND WATER HEATER DAMAGE.**

There being no guarantee of a continuous supply of water, the Department shall not be liable for damage caused by stoppage of the water supply, to steam boilers, water heaters or other appliances,

units or uses.

(Ord. 1988-3, passed 3-21-88)

**§ 53.35 IRRIGATION SYSTEMS.**

(A) Any owner of any premise who plans to install an underground irrigation system on his or her property shall be required to obtain a permit from the village. All irrigation systems shall be constructed in such a manner so as to be in compliance with all State of Illinois and local plumbing codes, including this section. Existing irrigation systems shall be required to be registered with the village and file a yearly RPZ testing report by a licensed plumber.

(B) Before any new irrigation system shall be installed, the property owner shall make an application and pay a \$20 administrative fee to the Village Clerk. Any owner who shall refuse to or fails to obtain the permit shall be subject to a fine of not less than \$50 per day but not more than \$1,000 per violation. Each day of violation shall be deemed as a separate violation of this section.

(C) The application shall include a detailed statement of the complete work to be done on the irrigation system within the premises by a licensed plumber. After the permit is issued, no change shall be made from such proposal unless a new application and statement is filed with the Village Clerk and a subsequent permit issued.

(D) The proposed system must meet the approval of the Public Works Director before a permit shall be issued. The Director shall either give or refuse approval of such project within five working days from the filing of the application.

(E) The connection of the irrigation system and installation of a backflow prevention assembly (RPZ) to the village water supply must be done by a plumber who has a CCC DZ license. All irrigation systems must have a reduced pressure backflow preventer assembly (RPZ). The RPZ can be located outside the premises provided the assembly conforms to state and local codes and is not subject to freezing conditions. All RPZ devices shall be checked annually by a certified cross-connection control device inspector and an inspection report filed with the village. The irrigation system must meet those requirements of the cross-connection requirements of §§ 53.50 *et seq.*

(F) If a secondary water meter is desired to subdivide the water use registered by a primary meter, the secondary meter must be located on the consumer side of the primary water meter and primary backflow preventer. The secondary water meters must be hard plumbed on subject property and must be accompanied by an additional backflow prevention device. Only water used for outdoor purposes which does not enter into the sanitary sewer lines may pass through any secondary water meter. The property owner shall assume all responsibility for installing and maintaining such secondary meters and associated equipment. The proposed secondary water meter should read water usage in cubic feet in order to coincide with the units of the primary water meter. Prior to the installation of a secondary water meter, the property owner shall be required to file an application and obtain a permit from the village as indicated in division (B). Divisions (C) and (D) apply to this application and permit as well.

(G) The Village Water Department will be responsible for reading the primary and secondary water meters and calculating the amount of water used for irrigation purposes. This amount will be credited

on the village portion of the sewer bill that is issued quarterly. These property owners will not be eligible for the standard 30% discount on the third quarter sewer bill that is granted to all private users by the village. Additional savings on the Rockton Sanitary District sewer bill will be the responsibility of the property owner to ascertain and coordinate with the Sanitary District. The village will supply the Sanitary District with the necessary readings and calculations if a discount is in order.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 2002-6, passed 5-21-02)

***CROSS-CONNECTION CONTROL***

**§ 53.50 PURPOSE.**

(A) The purpose of this section is:

(1) To protect the public potable water supply of the village from the possibility of contamination or pollution by isolating within its customers' internal distribution system or its customers' private water system such contaminants or pollutants which could backflow or back-siphon into the public water supply system; and

(2) To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-plant potable water systems and non-potable water systems, plumbing fixtures and industrial piping systems; and

(3) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(B) The Superintendent of Public Works shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Superintendent of Public Works, an approved backflow prevention device is required at the village's water service connection to any customer's premises for the safety of the water system, the Superintendent or his or her designated agent shall give notice in writing to the customer to install such an approved backflow prevention device at each service connection to his or her premises. The customer shall immediately install such approved device or devices at his or her own expense and failure, refusal or inability on the part of the customer to install the device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

(Ord. 1988-3, passed 3-21-88)



**§ 53.51 DEFINITIONS.**

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

**AIR-GAP.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel and in no case less than one inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed around the air-gap system and an approved reduced pressure principle device shall be installed in the by-pass system.

**APPROVED.** Accepted by the Director as meeting an applicable specification stated or cited in this chapter or as suitable for the proposed use.

**AUXILIARY WATER SUPPLY.** Any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor and the like or used waters or industrial fluids. These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

**BACK-SIPHONAGE.** The flow of water or other liquids or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

**BACKFLOW PREVENTER.** A device or means designed to prevent backflow or back-siphonage.

**BACKFLOW.** The flow of water or other liquids or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

**CONTAMINATION.** An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

**CROSS-CONNECTION CONTROL BY CONTAINMENT.** The installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it shall mean the installation of an

approved back-flow prevention device on service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

***CROSS-CONNECTIONS CONTROLLED.*** A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

***CROSS-CONTAMINATION.*** Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system which is cross-connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four-way valves, spools, dummy sections of pipe, swivel or changeover devices, sliding a multi-port tube, solid connections and the like.

***DIRECTOR OF PUBLIC WORKS.*** The Director in charge of the Water Department of the village is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this chapter.

***DOUBLE CHECK VALVE ASSEMBLY.*** An assembly of two independently operating, approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and village approved testing agency for backflow prevention devices. To be approved these devices must be readily accessible for in-line maintenance and testing.

***HAZARD, DEGREE OF.*** The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

***HAZARD, HEALTH.*** Any condition, device or practice in the water supply system and its operation which could create or in the judgment of the Superintendent may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

***HAZARD, PLUMBING.*** A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

***HAZARD, POLLUTIONAL.*** An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

**HAZARD, SYSTEM.** An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**INDUSTRIAL FLUIDS SYSTEM.** Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters connected to an open tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems and the like; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

**POLLUTION.** The presence of any foreign substance, (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

**REDUCED PRESSURE PRINCIPLE DEVICE.** An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval or a recognized and village approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

**WATER, NONPOTABLE.** Water which is not safe for human consumption or which is of questionable potability.

**WATER, POTABLE.** Any water which, according to recognized standards, is safe for human consumption.

***WATER, SERVICE CONNECTIONS.*** The terminal end of a service connection from the public potable water system; including, where the Water Purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the

service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

***WATER, USED.*** Any water supplied by a Water Purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the Water Purveyor.

(Ord. 1988-3, passed 3-21-88)

### **§ 53.52 WATER SYSTEM REQUIREMENTS.**

(A) The water system shall be considered as made up of two parts: the utility system and the customer system.

(B) The utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.

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

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

(E) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.

(Ord. 1988-3, passed 3-21-88)

### **§ 53.53 POLICY.**

(A) No water service connection to any premises shall be installed or maintained by the Water Purveyor unless the water supply is protected as required by state laws and regulations and this chapter. Service of water to any premises shall be discontinued by the Water Purveyor if a backflow prevention device required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(B) The customer's system should be open for inspection at all reasonable times to authorized representatives of the Water Department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with state and village statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(C) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Superintendent, the public water system shall be protected against backflow from the premises by installing a backflow device in the service line appropriate to the degree of hazard;

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality;

(3) In the case of premises having:

(a) Internal cross-connections that cannot be permanently corrected and controlled; or

(b) Intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

(D) The type of protective device required under (C)(1), (2) and (3) shall depend upon the degree of hazard which exists as follows:

(1) In the case of any premises where there is any auxiliary water supply as stated in subsection (C)(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduction pressure principle backflow prevention device;



(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly;

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these condition will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and planting plants;

(4) In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection;

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete implant cross-connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

(E) Any backflow prevention device required herein shall be of a model and size approved by the Superintendent of Public Works. The term **APPROVED BACKFLOW PREVENTION DEVICE** shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA C506-69 Standards for Reduced Pressure Principle and Double Check Valve  
Backflow Prevention Devices:

Backflow preventors which may be subjected to back pressure or back-siphonage that have been fully tested and have been granted a certificate of approval by the qualified laboratory and are listed on the laboratory's current list of "Approved Devices" may be used without further test or qualification.

(F) It shall be the duty of the customer-user at any premises where backflow devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Superintendent of Public Works deems the hazard to be great enough, he or she may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the device manufacturer's representative, by Department of Public Works personnel or by a certified tester approved by the Superintendent of Public Works. It

shall be the duty of the Superintendent of Public Works to see that these timely tests are made. The customer-user shall

notify the Superintendent in advance when the tests are to be undertaken so that he or she or his or her representative may witness the tests if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever the devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the Superintendent of Public Works.

(G) All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under division (F) of this section, be excluded from the requirements of these rules so long as the Director of Public Works is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow device meeting the requirements of this section.

(Ord. 1988-3, passed 3-21-88)

### ***RATES AND CHARGES; BILLING***

#### **§ 53.65 RATES ESTABLISHED.**

Rates and charges for water supplied by the water plant and system of the village are established as follows:

(A) For all water furnished for any purpose not hereinafter specifically mentioned to all residential, commercial, industrial and other establishments located within the corporate limits of the village, meter rates shall be charged according to the schedule printed on the monthly bills.

(B) For all water furnished for any purposes not hereinafter specifically mentioned to all residential, commercial, industrial and other establishments located outside the corporate limits of the village: 1½ times, corporate resident's rates.

(C) For water furnished for private fire protection service, the charge and rates shall be \$6 a month per hydrant billed quarterly to be placed in a special restricted account to be used for fire hydrant replacement costs, new well construction and/or water main construction. When and if private fire hydrants are installed on any water service connection which is metered, the property owner will be billed the regular rates and charges for metered service in addition to the flat rate annual charge for fire hydrants.

(D) For water furnished for sprinkler service, the charge and rates shall be as follows: \$0.04 annually per sprinkler head and the minimum annual charge shall be \$40 when and if sprinkler heads are installed on any water service connection which is metered, the property owner will be billed at the regular rates and charges for metered service in addition to the flat rate annual charge for sprinkler heads.

(E) For water furnished for hose connections on a private fire protection service connection and on unmetered stand pipes connected to any water service connection, the charge shall be: \$8 annually per each 2-inch or larger hose connection; \$4.50 annually per each 1½-inch or smaller hose connection.

(F) For water furnished for hose connections on any metered water service connection, the charge, in addition to water service at the regular established metered rates and charges shall be: \$8 annually per each 2-inch or larger hose connection; \$4.50 annually per each 1½-inch or smaller hose connection. In addition thereto, if the water use for any purpose is greater than the monthly minimum charge for the meter or meters in service, a monthly minimum charge for the meter or meters in service, a monthly minimum charge of the difference between the minimum charge for a meter or meters necessary to measure the estimated use for metered hose connections, shall be made.

(G) All rates for private protection shall be payable in semiannual installments on January 1 and July 1 of each year for six months next preceding.  
(Ord. 1988-3, passed 3-21-88)

**§ 53.66 RATES AND CHARGES FOR SERVICE.**

There shall be, and there are, established rates or charges for the use of, and for the service supplied by, the waterworks system of the village, based upon the amount of water consumed, as shown by the water meters as follows:

(A) *Metered water service.* General water service furnished through a water meter shall be available at the following quarterly rates to any water user within the village.

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(1) Water users within the village shall pay a base rate of \$21 per quarter.

(2) Senior citizen water users (*SENIOR CITIZEN* being defined as a person 65 years of age or older) within the village shall pay a base rate of \$15 per quarter, provided that the person annually shows proof of such qualification to the Village Clerk.

(3) Every water user within the village regulated under this section shall pay an additional rate per quarter of \$1.25 per 100 cubic feet of water usage. This rate shall be assessed in addition to the base rates established in divisions (A)(1) and (A)(2) above.

(4) Service connection charges.

<i>Water Line Size</i>	<i>Fee</i>
1 inch service line	\$1,000
1.5 inch service line	\$1,700
2 inch service line	\$2,900
3 inch service line	\$6,100
4 inch service line	\$10,500
6 inch service line	\$22,000
8 inch service line	\$37,000
10 inch service line	\$55,000
12 inch service line	\$75,000

(B) *Unmetered water service.* Unmetered water service shall be available only to users within the village presently not being served by a water meter at the following quarterly flat rate: single-family residence, \$20 per quarter. The payments of the flat rate for unmetered water service shall cover all reasonable usage, but not any other usage which the President and Board of Trustees determine to be unreasonable.

(C) *Multiple users.* A **MULTIPLE USER** is defined as any additional number of family or commercial units located on the same premises being served through a single water meter, such as cottages, apartment buildings, more than one commercial unit in the same building or commercial and residential units located in the same building.

(D) *Private fire service.* For private fire service, the users shall pay \$6 a month per hydrant billed quarterly to be placed in a special restricted account to be used for fire hydrant replacement costs, new well construction and/or water main construction.

(E) *Schools.* The high school, middle school and grade school shall be metered effective September 1, 1988.

(F) *Swimming pools.* In ground and above ground swimming pools requiring health permits and/or with a capacity of more than 10,000 gallons or 1,348 cubic feet of water shall be metered and shall comply with the cross-connect sections of this chapter.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1996-7, passed 3-4-96; Am. Ord. 1998-1, passed 1-5-98; Am. Ord. 1999-4, passed 5-17-99; Am. Ord. 2000-22, passed - -00; Am. Ord. 2005-33, passed 10-4-05; Am. Ord. 2006-5, passed 1-21-06; Am. Ord. 2005-38, passed 2-21-06; Am. Ord. 2008-7A, passed 2-4-08; Am. Ord. 2010-21, passed 12-7-10)

### **§ 53.67 BILL PAYMENT RESPONSIBILITY.**

The rates or charges for services shall be payable quarterly on the first day of the month succeeding the period for which service was supplied. The owner of the premises shall be ultimately responsible and liable to pay for the service on such premises even if not owner occupied, regardless of whether the premises are used for residential or commercial purposes and regardless of the terms of any lease or other contract to which the village is not a party. Service is provided to the premises by the village only upon the condition that the owner of any premises to receive water services will assume full and final responsibility for payment of all rates and charges of any kind due. All billing for water services shall be mailed directly to the owner of the premises, whether or not owner occupied. All bills for service shall be rendered quarterly as of the first day of the month succeeding the period for which the service is billed and shall be payable not later than the close of business on the tenth day of the same month. If payment of the full amount of the bill is not made within the period, a penalty of 10%

of the amount of the bill shall be added thereto.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1999-19, passed 11-15-99)

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**§ 53.68 PAYMENT OF BILLS.**

(A) All bills shall be paid at the Village Clerk's office or at the authorized collection agency. Bills and notices shall be mailed or delivered to the customer's last known address, as shown by the record of the Department. Failure to receive a bill shall not relieve the customer from the obligation to pay.

(B) Bills shall be considered delinquent ten days after the expiration of the discount date designated on the face of the bill.

(C) Should a customer fail to pay the bill on or before the date of delinquency as defined in division (B) above, the bill will be due and payable and shall include a penalty in the amount of 10% of the past due bill, plus any disconnection fee or other fee applicable as set out in § 53.33.

(D) The net amount will be accepted as full payment if received at the Department office or authorized collection agency or if mailed on or before the discount expiration date of the bill. The post office date stamped by the sending office, but not the stamp date of a private meter, will determine the date of mailing. Stamped envelopes shall be preserved and, if payment is late, the Department may credit the amount received to the customer's account and add the difference between the gross and net bill to the next bill.

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(E) When the last day for payment of the net bill falls on a Saturday, Sunday or legal holiday, the time for payment of the net bill shall be automatically extended to include the next full business day.

(F) If a customer files a written objection to any bill prior to the expiration of the discount date, the payment of the net bill within five days after the customer has been notified of the necessary investigation will be accepted as full payment.

(G) If, for any cause, a meter cannot be read for a period exceeding four months, the Department may turn off the water upon mailed notice of its intention to do so unless the customer provides access to the meter.

(H) All payments made after the date of delinquency as defined in division (B) above must be submitted to the Village Clerk's office in cash, certified check, cashier's check or money order.

(I) (1) Regarding past due commercial customer's notice and termination of service, if the bill of any commercial customer, as defined in § 53.01, shall remain unpaid for a period of 45 days after the date of billing, the Village Clerk shall send to the water user and the property owner, if different entities or persons, a "ten-day notice of termination" advising as follows:

(a) Of the fact of delinquency;

(b) The amount past due, plus penalty;

(c) The fact that a lien pursuant to 65 ILCS 5/11-139-8 may be placed against the real estate;

(d) The fact that if not paid in full or if other payment arrangements have not been made within ten days, the water service will be terminated and in which case an additional \$100 disconnect fee shall be assessed.

(2) The notice shall be sent by certified mail, return receipt requested. A copy of this notice shall be sent to all members of the Village Board Public Works Committee.

(3) If at the end of the ten-day notice of termination period, the bill remains unpaid, the Director of Public Works or his or her agents shall prominently post on the subject premises a "24-hour notice of termination" advising the occupants of the impending termination of services. If after the expiration of 24 hours from the posting of the notice, the bill still remains unpaid, the Director of Public Works or his or her agents shall disconnect water service to the subject premises. Thereafter, the water service to the premises shall not be reinstated unless and until the past due delinquent amount is paid in full, plus any penalties and disconnection fees subject to the availability of a hearing as set forth in § 51.099.

(J) (1) Regarding past due single-family residential customer's notice of termination of service, if the bill of any single-family residential customer, as defined in § 53.01, shall remain unpaid for a period of 15 days after the next quarterly billing, the Village Clerk shall send to the water user and property owner, if different entities or persons, a "ten-day notice of termination" advising as follows:

(a) Of the fact of delinquency;

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(b) The amount past due, plus penalty;

(c) The fact that a lien pursuant to 65 ILCS 5/11-139-8 may be placed against the real estate;

(d) The fact that if not paid in full or if other payment arrangements have not been made within ten days, the water service will be terminated and in which case an additional \$100 disconnect fee shall be assessed.

(2) The notice shall be sent by certified mail, return receipt requested. A copy of this notice shall be sent to all members of the Village Board Public Works Committee.

(3) If at the end of the ten-day notice of termination period, the bill remains unpaid, the Director of Public Works or his or her agents shall prominently post on the subject premises a "24-hour notice of termination" advising the occupants of the impending termination of services. If after the expiration of 24 hours from the posting of the notice, the bill still remains unpaid, the Director of Public Works or his or her agents shall disconnect water service to the subject premises. Thereafter, the water service to the premises shall not be reinstated unless and until the past due delinquent amount is paid in full, plus any penalties and disconnection fees subject to the availability of a hearing as set forth in § 51.099.

(K) (1) Regarding current delinquent accounts notice of termination of service, if the bill of any account that is delinquent as of the effective date of Ord. 1998-17 remains unpaid 30 days after the effective date of the ordinance, the Village Clerk shall send to the water user and property owner, if different entities or persons, a "ten-day notice of termination" advising as follows:

(a) Of the fact of delinquency;

(b) The amount past due, plus penalty;

(c) The fact that a lien pursuant to 65 ILCS 5/11-139-8 may be placed against the real estate;

(d) The fact that if not paid in full or if other payment arrangements have not been made within ten days, the water service will be terminated, and in which case an additional \$100 disconnect fee shall be assessed.

(2) The notice shall be sent by certified mail, return receipt requested. A copy of this notice shall be sent to all members of the Village Board Public Works Committee.

(3) If at the end of the ten-day notice of termination period, the bill remains unpaid, the Director of Public Works or his or her agents shall prominently post on the subject premises a "24-hour

notice of termination” advising the occupants of the impending termination of services. If after the expiration of 24 hours from the posting of the notice, the bill still remains unpaid, the Director of Public Works or his or her agents shall disconnect water service to the subject premises. Thereafter, the water service to the premises shall not be reinstated unless and until the past due delinquent amount is paid in full, plus any penalties and disconnection fees subject to the availability of a hearing as set forth in § 51.099.

(L) (1) Any customer with an account now past due or delinquent or that becomes past due or delinquent in the future may avoid disconnection of services and, where applicable, payment of delinquency penalties even if they are unable to pay in full any past due amounts by entering into a repayment agreement with the District. The Village Clerk is authorized to enter into such a repayment agreement without prior consent of the Village Board if the terms of repayment include payment in full by means of no more than three monthly installment payments.

(2) Should a customer seek to enter into a repayment agreement involving terms of repayment exceeding three months in duration, the Village Clerk must bring the matter to the attention of the Village Public Works Committee for decision as to the acceptance or refusal of the proposed terms of repayment. If the proposal is submitted by the customer during the period encompassed by any ten-day notice of termination, services to the customer will not be disconnected during the time necessary for the matter to be brought before the Public Works Committee for consideration and decision.

(3) If the Public Works Committee agrees to the proposed terms of repayment, the Village Clerk shall, on behalf of the village, execute such agreement and services shall continue.

(4) If the Public Works Committee refuses the proposed terms of repayment, the customer shall be entitled to notices prior to disconnection of services as set out and applicable in divisions (I), (J) and (K) above.

(5) If the Public Works Committee refuses the proposed terms of repayment submitted by a customer during the period encompassed by the ten-day notice of termination and at the time of decision the ten day time period has expired, the Director of Public Works or his or her agents shall immediately and prominently post on the subject premises a “24-hour notice of termination” advising the occupants of the impending termination of services. If after the expiration of 24 hours from the posting of the notice, the bill still remains unpaid, the Director of Public Works or his or her agents shall disconnect water service to the subject premises. Thereafter, the water service to the premises shall not be reinstated unless and until the past due delinquent amount is paid in full, plus any penalties and disconnection fees subject to the availability of a hearing as set forth in § 51.099.

(6) After the posting of any 24-hour notice of termination and during the 24-hour period, the customer may avoid disconnection only by payment in full of all past due amounts plus any penalties.

(M) If any customer shall enter into a repayment agreement with the village and thereafter default in making any or all required payments, the village shall notify the members of the Public Works Committee and the Director of the Department of Public Works of the fact of the default and the address of the subject premises. Upon receipt of the notice of default, the Director of Public Works or his or her agents shall prominently post on the subject premises a “24-hour notice of termination” advising the occupants of the impending termination of services. If after the expiration of 24 hours from the posting the notice, the bill still remains unpaid, the Director of Public Works or his or her agents shall disconnect water service to the subject premises subject to the availability of a hearing as set forth in § 51.099. Thereafter, the water service to the premises shall not be reinstated unless and until the past due delinquent amount is paid in full plus any penalties and disconnection fees.

(N) The placement of the “24-hour notice of termination” as indicated in divisions (I), (J), (K), (L) and (M) above shall only be performed by the Director of Public Works or his or her agents during regular business hours on Monday through Thursday of any given week. When the 24-hour notice of termination period would expire on any legal holiday, the time for payment of the bill, including penalties and disconnection fees, to avoid disconnection of services shall automatically be extended to include the next full business day.

(O) All water and sewer bills are the responsibility of the legal or equitable owners of the real estate or of any single-family condominium unit. Pursuant to statutory authority, at any time after the bills become delinquent, the village may, at its option, elect to place a lien upon the subject real estate in the amount of the past due delinquent bill. As a part of the lien costs which must be paid by the customer for release of the lien will be included the reasonable attorney’s fees incurred in placing the lien.

(P) The village may, at its option, elect to pursue by civil action to recover the monies due for past due amounts, including penalties and disconnection fees, plus the reasonable attorney’s fees to be fixed by the court.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 1998-17, passed 9-8-98; Am. Ord. 1999-19, passed 11-15-99; Am. Ord. 2000-29, passed 1-2-01)

### **§ 53.69 ESTIMATED BILL.**

(A) The quantity recorded by the meter shall be conclusive to both the customer and the Department unless the meter is found to be registering inaccurately or has ceased to register. In such cases, the quantity may be determined by the registration of an accurate meter in corresponding past or future period, whichever period is representative, in the Department’s discretion, of the condition existing during the period of inaccuracy.

(B) When a meter cannot be read on a regular reading date, the Department may render a bill based on previous meter readings. When the meter is subsequently read, any differences between the estimated and actual consumption will be adjusted.

(Ord. 1988-3, passed 3-21-88)

**§ 53.70 CATASTROPHIC FAILURE; ABATEMENT OF WATER BILL.**

(A) The Village Board recognizes that in the event of a catastrophic failure as defined in § 53.01, the water usage volume as reflected on the meter and the quarterly bill may far exceed the actual customer usage. In such a situation the customer may, by means of a written request filed with the Village Clerk, petition the Village Board for a reduction or abatement in the amount billed for water consumption.

(B) The Village Clerk upon receipt of a written customer request for an abatement of a particular water bill shall schedule the matter for consideration by the Village Board of Trustees at its next regularly scheduled meeting and shall notify the customer filing the petition of the date and time of the meeting.

(C) At the designated meeting the customer shall be given the opportunity to address the Village Board, present any evidence, testimony or documentary in support of the petition for abatement.

(D) If after consideration of all of the evidence presented the Village Board of Trustees shall determine that the water bill in question is the result in whole or in part of a catastrophic failure and not due to customer negligence, the Board by majority vote may abate all or any portion of the water bill in question.

(E) The decision of the Village Board as to whether or not to abate all or any portion of the water bill is final and non-appealable.

(F) No customer shall be granted an abatement due to catastrophic failure for a particular premises more than one time.

(G) The Village Clerk shall retain as a part of the village records any and all written requests or petitions for abatement of water bills and shall notify the Village Board of Trustees in the event any customer applies for a second or subsequent abatement of water bill after having previously been granted such an abatement with reference to an earlier petition.

(Am. Ord. 2000-22, passed - -00)

**§ 53.71 USE OF FIRE HYDRANTS.**

Use of fire hydrants by individuals or contractors is prohibited without Department approval. Upon application and payment of a fee in the amount of \$50 covering both hook-up and disconnect, the Department will install a two-inch gate valve and meter for the use of any individual or contractor and the valve and meter will be removed by the Department, at the direction of the individual or contractor. The rate for water supplied from hydrants shall be at the regular water rate, with a minimum charge of \$15 per day.

(Ord. 1988-3, passed 3-21-88; Am. Ord. 2006-17, passed 11-6-06)

**§ 53.72 FROZEN AND DAMAGED METER CHARGES.**

The expense of repairing a meter that has been damaged by hot water, freezing or other means will be charged to the customer. The charge will be the actual expense of repairing the damaged or frozen meter.

(Ord. 1988-3, passed 3-21-88)

**§ 53.73 COMPUTATION OF BILL SYSTEM.**

The rate and charges for water service, as herein specified, shall be used in computing the gross bill. In the event the customer fails to pay the net bill within the discount period, the gross bill will become due and payable.

(Ord. 1988-3, passed 3-21-88)

**§ 53.74 DUTY OF DEPARTMENT.**

It is the duty of the Department to render bills for water service and for all rates and charges in connection therewith and to collect all monies due thereon.

(Ord. 1988-3, passed 3-21-88)

**§ 53.75 SEPARATION OF FUNDS.**

All revenues and monies derived from the operation of the water system shall be held by the Treasurer separate and apart from all other funds and shall be reported not more than ten days after the receipt of the same or at more frequent intervals as may from time to time be directed by the Village Board.

(Ord. 1988-3, passed 3-21-88)

**§ 53.76 DUTY OF CLERK.**

The Village Clerk shall receive all such revenues from the waterworks system and all other funds and monies incident to the operation of such system as the same may be delivered to the Clerk, and the Clerk shall timely deposit the same in a separate fund designated as the "Water Fund of the Village of Rockton," and the Treasurer shall administer such fund in every respect in the manner provided by the provisions of the Illinois Municipal Code, 65 ILCS 5.

(Ord. 1988-3, passed 3-21-88)

**§ 53.77 DUTY OF TREASURER.**

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 waterworks system and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the waterworks system.

(Ord. 1988-3, passed 3-21-88)

**§ 53.78 RECORDS, ACCOUNTS AND AUDITS.**

The village shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete entries shall be made of all transactions relative to the water system and at regular intervals in the village 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.

(Ord. 1988-3, passed 3-21-88)

