

Chapter 6A  
**WATER AND SEWER DEPARTMENT**

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## 6A.01 CREATION

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

## 6A.02 PUBLIC WORKS DIRECTOR *93-O-19, 95-O-73*

The Public Works Director (“Director” for purposes of this Chapter) shall be in charge of the Department and shall oversee the activities of the Department. The Director shall report to the Manager.

## 6A.03 DUTIES OF THE DEPARTMENT

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

## 6A.04 DEFINITIONS

Terms, whether capitalized or not, used in this Chapter are defined in Appendix A and in Exhibit A at the end of this Chapter.

## 6A.05 BILLING DUTIES

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

## 6A.06 MANNER OF BILLING FOR THE USE OF THE WATER AND WASTEWATER FACILITIES *Amended, 17-O-14*

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

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

B. Penalty: A penalty of 10 percent shall be added to each bill not paid within 21 days after the rendition of the bills.

C. Multiple Meters: Single users with multiple water meters or flow meters shall be rendered a single bill.

D. Liability for Service: The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service on such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the Village. All bills shall be mailed to the owner of record. The Village shall not be responsible for forwarding bills to tenants or other persons.

Except as provided herein, the joint and several liability of any owner, occupant or users of the premises shall include all charges due and owed pertaining to such premises regardless of the date that person became a user pursuant to this Chapter or any preceding ordinance of the Village. In the event any premises are sold, transferred or assigned to another (hereinafter referred to as the Atransferee@) by any person or entity theretofore responsible for payment of charges (hereinafter referred to as the Atransferor@), it shall be the responsibility of both the transferor and the transferee to notify, in writing, the Village of the intended transfer no less than five working days prior to the date of the intended transfer of the premises. Upon notification, the Village shall render a final prorated bill for such service, and upon full payment thereof, the transferor shall thereafter be relieved of any further responsibility for such service. In the event the Village is not so notified of such transfer, the transferee shall be deemed jointly and severally liable with the transferor for all unpaid charges for the premises incurred up to and including the date of the transfer, as well as thereafter.

#### **6A.07 DISPOSITION OF REVENUES** *Amended, 16-O-03, 99-O-12*

A. Water and Sewer Charges: All revenues and monies derived from the water and sewer charges shall be held by the Treasurer separate and apart from all other funds of the Village.

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

C. Fixed Fees: Fixed fees shall be deposited in the Water and Sewer Operating Fund.

#### **6A.08 ACCOUNTS**

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

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

#### **6A.09 FILING REGULATIONS**

A copy of the provisions of this Chapter relating to water and wastewater service charges shall be filed in the Office of the Clerk and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined water and wastewater facilities of the Village on their properties.

#### **6A.10 DELINQUENT CHARGES** *Amended, 17-O-14, 16-O-03, 04-O-01, 99-O-12*

In the event the charges for service are not fully paid within 21 days after the rendering of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such service is supplied. The Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of McHenry and Kane counties, Illinois. The filing of such statements shall be deemed notice for the payment of such service charges. The

recording of the lien itself shall be sufficient to include all additional accruing charges to be included in such lien until the date such lien is released. The Village may cause notice of its claim for lien to be sent to any or all known users or other person with an interested in the premises. In addition, the Village may charge \$35 for any returned “NSF” check or rejected automatic debit. If a delinquent account is sent to an agency or attorney for collection, the Village shall be entitled to costs of collection including attorneys’ fees and/or agency fees.

**6A.11 TERMINATION PROCEDURE** *Amended, 13-O-50, 09-O-07, 06-O-01, 02-O-7, 99-O-12, 95-O-68*

A. Reminder Notice: In the event utility service charges are not fully paid within 21 days after the rendering of the bill for such service the Finance Director or his designee shall send a reminder notice as part of the next bill in substantially the following form:

REMINDER NOTICE

Our records indicate that your water and/or sewer bill is past due. As such, a 10% penalty has been assessed. If payment has been made, please disregard this notice. In the event you fail to pay the delinquent charges in full within 10 days from the date of this notice, the Village may terminate your water service. If you contest or object to the past due amount referenced above, or if you have any questions regarding this matter, you may contact the Finance Director at 847/658-2700 between the hours of 9 a.m. and 5 p.m. Monday through Friday. The Finance Director may conduct either a telephonic or an in-person informal hearing to consider your questions or objections. If you are not satisfied with the decision of the Finance Director, you may appeal that decision, within 2 business days of the date of that decision, to the Manager.

B. Notice of Disconnection: In the event the bill remains unpaid on the 10th day after the mailing of the aforesaid Reminder Notice, the following Notice of Disconnection shall be made to the owner of the premises, occupant and/or user of the service. The Notice of Disconnection shall be in substantially the following form and shall be served through regular mail, certified mail, hand delivery, or posting on property.

NOTICE OF DISCONNECTION

You have failed to reply to our previous requests for payment of your water and sewer bill. Failure to pay your overdue account will result in disconnection of service which will commence on the date indicated on this notice. In order to avoid disconnection, your bill must be paid at the Village Hall no later than 5 p.m. on the day prior to the date indicated on this notice. After 5 p.m., an administrative processing fee of \$65.00 shall be assessed.

If service is disconnected, the building will be red-tagged as “unfit for human occupancy.”

Services shall not be reinstated until the bill, together with the administrative processing fee, have been paid. Reinstatement between 3 p.m. and 7 a.m. on weekdays, or at any time on weekends and holidays, will require payment of a further surcharge in the amount of \$70.00.

If you contest or object to the amount identified above, or have any questions regarding this matter, you must contact the Finance Director at 847/658-2700 on weekdays between the hours of 9 a.m. and 5 p.m. The Finance Director may conduct either a telephonic or an in-person informal hearing to consider your questions or objections. If you are not satisfied with the decision of the Finance Director, you may appeal that decision within 2 business days of the date of that decision to the Village Manager. Any objection or complaint with regard to the amount due identified above, must be made to the Finance Director not less than 7 business days after the date of this Notice of Disconnection.

DATE OF DISCONNECTION: \_\_\_\_\_

By: \_\_\_\_\_  
Finance Director

C. Right of Disconnection: The Village may disconnect utility service to any property where any portion of the charges for the aforesaid services, together with any late fees or penalties, have not been paid on or before the date of disconnection contained in the Notice of Disconnection. In no event shall the date of disconnection identified in a Notice of Disconnection be earlier than 7 days after its mailing by first class mail or certified mail or 5 days after delivery either in hand or by posting on the property.

This Section 6A.11 shall not abridge or limit the Village's right or ability to disconnect utility service upon the owner's request, or temporarily disconnect or discontinue utility service in order to conduct repairs or maintenance upon the utility system or for other emergency purposes.

D. Method of Disconnection: The method of physical disconnection shall be as follows:

1. If the user has both water and wastewater service the Director shall shut off the curb stopcock. The Director may also remove the water meter if it is deemed necessary for the protection of the meter.
2. If the user has water service only, the procedure is as in 1. above.
3. If the user has wastewater service only the Village, through its agents, shall excavate the building sewer upon public property or in an easement and remove a section of the building sewer and plug the openings with permanent stoppers.

Upon completion of the plugging of the building sewer, the Village shall forward to the owner of the premises, occupant and user of the service, by certified mail, return receipt requested, a bill for the costs of terminating the service and a \$100 service charge to be paid to the Village for such supervision.

#### 6A.12 **REINSTATEMENT OF SERVICE** *Amended, 06-O-01*

Upon payment to the Collector of the full delinquency, plus the administrative processing fee pursuant to Section 6A.11, the Village will reinstate the service.

Upon payment of the fees and reinstatement of service, the Building Commissioner shall remove the red-tag from the building and the building shall, so far as the Village is concerned, be fit for human occupancy.

#### **6A.13 POWERS AND AUTHORITY OF INSPECTORS**

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

The Director and other duly authorized employees or agents of the Village, bearing Village identification which contains their photograph, shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the public water and wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **6A.14 REGULATIONS APPLICABLE**

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

#### **6A.15 SHUTTING OFF WATER**

In case of making repairs or alterations or constructing new facilities, or for any other reason, the Director reserves the right to shut off the water and keep it shut off as long as may be necessary to make such repairs, alterations or the construction of new facilities. Prior to shutting off the water, users shall be given adequate notice except in an emergency; and in such case, the Director shall provide notice as conditions permit. No claim shall be made against the Village by reason of the above or by reason of the breakage or failure of any pump, or other portion of the water system.

#### **6A.16 LIMITATIONS OF USE OF WATER** *Amended, 16-O-03, 09-O-07, 05-O-37, 04-O-01, 03-O-25, 02-O-20, 98-O-56*

A. Outdoor Water Use Limitations: In order to promote public environmental awareness, good husbandry, good conservation practices and to preserve potable water supplies, the use of the Village's potable water for outdoor watering of landscape and lawns is limited as follows:

1. Condition Green: Condition Green shall allow the outside use of the Village's potable water supply for landscape and lawn watering except between the hours of 9:00 a.m. and 6:00 p.m. during which time said use is prohibited

2. Restrictions: Whenever in the President's, or his/her designee's, judgment, it is in the public interest to further curtail the use of potable water for landscape and lawn watering purposes, in light of environmental exigencies or water supply availability, the President or his/her designee may further restrict the use of potable water for such purposes as follows:
  - a. Condition Yellow: Condition Yellow shall allow the outside use of the Village's potable water supply for landscaping and lawn watering only on alternate days except between the hours of 9:00 a.m. and 6:00 p.m. during which time said use is prohibited. Lots with odd numbered addresses will be permitted to use potable water outside on odd numbered days and lots with even numbered addresses will be permitted to use potable water outside on even numbered days.
  - b. Condition Orange: Condition Orange shall allow the outside use of the Village's potable water supply for landscaping and lawn watering for lots with odd numbered addresses on odd numbered days and lots with even numbered addresses on even numbered days only between the hours of 6 a.m. and 9 a.m.
  - c. Condition Red: Condition Red shall prohibit the use of outside potable water for residential hand washing of motor vehicles, landscape and lawn watering purposes entirely.
3. Signs: The Village shall cause signs to be posted in conspicuous public places throughout the Village, advising residents of the watering conditions then in effect.

B. Water Conservation Rates: Consumption charges shall be increased three times the combined rate per 1,000 gallons for all water consumed above 20,000 gallons on all residential accounts. Customers may request an exemption to water conservation rates for sod installation. The request shall be made in advance in writing to the Manager. The Manager, or designee, shall have sole discretion in granting said request.

C. Penalty: Any person, firm or corporation violating any portion of this Section 6A.16-C shall be fined pursuant to Appendix B of this Code plus the Village's cost of prosecution, including but not limited to its attorneys' fees. Each day that a violation continues or persists shall be deemed a separate offense. During Condition Red status, as defined herein, a fine shall be levied at any time during the year that a violation occurs.

**6A.17 METERS AND SAMPLERS REQUIRED** *Amended, 20-O-30, 09-O-07, 04-O-01, 97-O-40, 95-O-59, 95-O-40, 94-O-69*

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

Meters shall conform to specifications fixed by the Director as to size, capacity and construction. All meters shall be installed under the direction and supervision of the Director at a location approved by the Director. A user may request a meter test to verify that the meter is recording water usage under accepted standards or tolerances. However, a charge, found in Appendix B of this Code, will be assessed to the user making the request if the meter is proven to be recording water usage within accepted standards and tolerances.

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

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

Meters larger than 1½ inches will become the property of the user. Meters owned by users shall be maintained by the user at no cost to the Village. Said user, however, shall be required to maintain the meter so the accuracy remains within 3 percent, plus or minus, of original accuracy. The user shall file a meter calibration report with the Director annually.

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

The cost of meters 1½ inches and smaller and the installation thereof shall be paid by the user. The cost shall be termed the meter fee and shall be paid at the time application is made for water service. Meter fees shall be established from time to time by the Village Board and shall be sufficient to include the cost of the meter, installation, maintenance and replacement thereof and shall not be refunded. In addition to the cost of the meter, a fee shall be paid to the Village that is found in Appendix B of this Code.

B. Installation: No accessories or equipment other than the equipment identified and on file with the Public Works Department, shall be installed within 12 inches of either side or in front of the water meter. The equipment and installation method required for the automated meter reading will be specified in a separate installation instruction packet available through the Public Works Department. This equipment will include but not be limited to the meter interface unit, surface mount phone jack, remove touch pad and appropriate connectors.

C. Flow Meters: Any user except a domestic user may be required to install a flow meter in the inspection manhole (see Section 6A.34-G) to accurately measure and record the rate of discharge of and the volume of wastewater discharged to a public sanitary sewer.

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



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

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

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

E. Water Meters on Private Water Supply: Whenever any portion of water pumped from a private water supply is discharged to the wastewater facilities of the Village a meter shall be installed to measure the amount of water pumped from the private water supply. Wastewater bills shall be based on the amount of water pumped unless flow meters are approved as herein provided. Where flow meters are approved the meter requirement may be waived by the Village Board.

All meters installed on private water supplies shall be purchased and owned by the user and shall conform to all of the requirements of Section 6A.17-A except that the maintenance required for meters 1 inch and under shall not exceed the maintenance provided for Village owned meters of the same size.

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

No person shall alter the water supply piping from a private well to the meter after the installation of the meter has been approved by the Director without having a permit from the Village. No person shall tamper with the meter. Any person violating these provisions shall be subject to immediate termination in accordance with Section 6A.11-C.

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

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

F. Service Termination: In the event a customer refuses to install or maintain equipment required by the Village, and the installation of all the required equipment is feasible and attainable as determined by the Director, the Village may shut off water and/or sewer service to the building. Fourteen days before disconnection, the Director will send the property owner notice by

certified mail, return receipt requested, that service will be discontinued and the building will be red-tagged as “unfit for human occupancy.” Service will be restored after the required equipment is installed and/or maintained, to the satisfaction of the Director, and the Village’s cost of disconnection and reconnection are paid by the customer. Under certain circumstances, such as no reasonable installation access from the meter to its wiring and/or reading equipment and at the discretion of the Director, the Village may waive the installation requirement.

#### **6A.18 ACCESS TO EQUIPMENT**

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

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

#### **6A.19 DAMAGE TO EQUIPMENT AND PROPERTY** *Amended, 09-O-07*

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

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

#### **6A.20 USE OF WATER FACILITIES REQUIRED** *Amended, 09-O-07, 97-O-29*

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

B. The owner of all houses, buildings or properties situated within the Village and abutting on any street, alley or right of way in which a public water main is within 300 feet of the nearest property line of the property shall be required to extend the public water main to and across the frontage of the property and make connection as herein provided. If such water main extension benefits other properties the Village shall enact a recapture ordinance and make best efforts to collect and return to the owner amounts received from benefited properties.

C. After connection to the public water supply the private water supply shall be physically disconnected from the building water piping connected to the public water supply.

D. Penalty: Any person violating any provision of this Section shall, upon conviction, be subject to a fine found in Appendix B of this Code plus all costs related to connection to the public water supply, remediation, restitution and prosecution, including but not limited to filing fees, witness fees and attorneys’ fees.

## 6A.21 PRIVATE WATER SUPPLY

A. Whenever a public water main is not available under the provisions of Section 6A.20 the building service pipe shall be connected to a private water supply complying with the provisions of this Section.

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

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

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

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

F. Whenever a private water supply is provided the owner shall install a water meter as provided in Section 6A.17-D.

## 6A.22 TAPPING WATER MAINS *Amended, 09-0-07, 02-05-08, 04-0-01, 97-0-42, 92-0-18*

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

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

C. No permit will be issued until the permittee:

1. Pays the tapping fee as prescribed in this Section.
2. Pays the cost of the meter and installation thereof (meter fee).

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

D. Fees: Water tapping fees shall be charged for connecting or tapping onto the water facilities.

1. Such fees, which must be paid at the time of application for the service, are found in Appendix B.
2. Final plats for all properties approved before February 5, 2008, are grandfathered at the rates in effect before February 5, 2008, as noted in Section 6A.22-D1.
3. Outside Corporate Limits: The water tapping fee for any use not located within the corporate limits of the Village shall be 3 times the applicable tapping fee listed in this Section 6A.22.

#### 6A.23 **WATER SERVICE PIPE** *amended 2023-0-42*

The water service pipe extends from the Village water main to and includes the curb stopcock which shall be located in a street or an easement as directed by the Director.

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

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

In accordance with the Lead Service Line Replacement and Notification Act (415 ILCS 5/17.12), the Village mandates that all water service customers who withhold consent for the replacement of lead service lines on their property must complete and submit a waiver to the Village. In cases where a water service customer does not furnish a duly signed waiver following reasonable efforts to secure one, the Village retains the authority to enforce penalties as outlined in Appendix B of this municipal code.

#### **6A.24 BUILDING SERVICE PIPE**

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

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

#### **6A.25 SEPARATE SERVICES REQUIRED**

A separate water service pipe is required for every building or residence. Where a building contains more than 1 commercial or industrial user or where the building contains a combination of commercial or industrial and residential uses, there shall be separate services for each use if required by the Director. A single meter is allowed in buildings with more than 1 residential user.

#### **6A.26 DISCONTINUING WATER SERVICE** *Amended, 09-0-07, 99-0-12*

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

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

#### **6A.27 FIRE HYDRANTS** *Amend, 07-0-03*

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

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

C. Wrenches: No person shall use any water hydrant wrenches without the permission of the Director.

D. Temporary Use: Any person wishing to make a connection to a hydrant as a temporary source of water for construction or other purposes approved by the Director shall make application to the Director. The user shall make a deposit equal to the replacement cost of the meter which shall be returned less \$10 per week or portion thereof for meter rental, a fee reflecting the current water rate for all water used and any cost of maintenance and repair to the meter. In addition, in the event any Village equipment or appurtenance is damaged or destroyed due to the use of the meter, the user shall be responsible for reimbursing the Village for said costs.

Meters will be supplied as available. Temporary usage of fire hydrants between November 15 and April 1 is discouraged. Application for temporary usage of fire hydrants between November 15 and April 1 shall include provisions for protecting the water meter and hydrant from freezing and shall be authorized by the Director prior to temporary use of the fire hydrant. Temporary meters shall be installed on a weekly basis and payment for the use shall be weekly.

**6A.28 COMBINED WATER AND SEWER SERVICE CHARGE** *Amended 23-O-42, 20-O-36, 16-O-03, 09-O-07, 02-5-08, 99-O-12*

A. There shall be and there are hereby established rates or charges for the use of and for the service supplied by the Village water and sanitary sewer facilities based on the amount of water consumed. Those rates can be found in Appendix B of this Code. Beginning on November 1, 2023, and annually on November thereafter, water and sewer user charges shall increase by the All Items Consumer Price Index (“CPI”) for Urban Consumers (1982–84 = 100) for the Chicago Consolidated Metropolitan Statistical Area. The increase in question shall be determined by calculating a rolling average based on the immediately preceding three (3) complete calendar years. An electronic billing rebate is available to those users who make an automated clearing house (ACH) payment. The amount of the rebate is listed in Appendix B of this Code.

B. Outside Corporate Limits: For users outside the corporate limits the water and/or sanitary sewer service rate, if service is allowed under this category, shall be established by the Village Board. The rate, however, shall not be less than twice the applicable rates for users within the Village.

C. Manual Meter Readings: A manual reading charge, found in Appendix B of this Code, will be assessed against those users who do not have an automated meter reading system device connected and operating via a telephone land line to the user’s water service. Said manual reading charge shall not be applicable to those users who do not have telephone service to the premises.

D. Unmetered Water Supply for Sprinkler, Fire Protection Service: Whenever sprinkler or fire protection services are desired, application must be made for the privilege of installing such service. Complete plans for installation shall be attached to such petition. When said application is approved a contract shall be entered into with the Village for connection from Village mains to the property, which connection will be made by and the cost of same to be paid by the user.

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

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

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

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

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

E. For users with unmetered water supplies, the cost for sanitary sewer treatment shall be determined by the Director.

**6A.29 EXTENSION OF PUBLIC SANITARY SEWERS OR WATER MAINS** *Amended, 09-0-07*

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

B. Persons desiring such extension of the water and sewer system shall file with the Director 4 copies of the following documents:

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

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

1. Agreement and bond executed by the permittee wherein the permittee agrees to make and install the improvements in accordance with the plans and specifications specifying a completion date not more than 6 months after the date of the agreement unless the Village Board determines, on the basis of the recommendation of the Village Engineer, that a longer time is necessary.

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

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

The bond shall remain in effect for a period of 1 year after acceptance of the work by the Village Engineer as a guarantee of good faith of the permittee to correct defects. At the discretion of the Village Board the bond may be reduced during the maintenance period.

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

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

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



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

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

F. No extension shall be allowed to the sanitary sewer system if the Village Board determines that the wastewater facilities have inadequate available capacity.

### **6A.30 WASTES**

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

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

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

### **6A.31 USE OF SEWERS REQUIRED**

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

The owner of all houses, buildings or properties situated within the Village and abutting on any street, alley or right of way in which a public sewer is within 300 feet of the nearest property line of the property shall be required to extend the public sewer to and across the frontage of the property and made connection as herein provided. If such public sewer benefits other properties the Village shall enact a recapture ordinance and make best efforts to collect and return to the owner amounts received from benefited properties. All public sewer extensions shall be made in accordance with Section 6A.29.

### **6A.32 PRIVATE WASTEWATER TREATMENT FACILITIES** *Amended, 09-O-07, 97-O-22*

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

B. No person shall construct a wastewater treatment facility within the corporate limits of the Village for the purpose of treating industrial wastes and discharging same to a water course

unless the Village Board determines that the wastewater treatment facilities have inadequate capacity, and issues a permit for the construction and operation of a wastewater treatment facility. No Village permit shall become effective until:

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

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

C. No person shall construct a private wastewater treatment facility with subsurface disposal of the effluent if the population to be served exceeds 15 persons or the system is intended to serve more than 1 building.

D. Where a public sewer is not available under the provisions of Section 6A.31 a private wastewater treatment facility employing subsurface absorption facilities may be installed, if the wastewater to be treated is domestic.

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

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

G. Grinder Pump Systems:

1. Policy: The Village has experienced situations where development is possible but gravity sewers and conventional sanitary sewer systems are not practical. Accordingly, it is the policy of the Village to approve grinder pump systems on a discretionary case-by-case basis. In order to implement a grinder pump system, a developer or individual homeowner must prove to the Village that a grinder pump system is the only viable option other than a conventional sanitary sewer system.

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

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

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

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

**6A.33 CONNECTIONS TO THE WASTEWATER FACILITIES** *Amended, 09-0-07, 02-5-08, 04-0-01, 97-0, 92-0-18*

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

B. Persons desiring to construct a new waste source and connect it to the wastewater facilities of the Village shall, in addition to making application, state the quantity, quality and rate of discharge of the wastewater to be discharged into the sewer. In the case of any fraudulent

representation on the part of the user, the payment will be forfeited and the use of the sewer stopped.

No permit will be issued until the permittee:

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

C. Fees: Wastewater connection fees shall be charged for connecting or tapping onto the wastewater facilities of the Village.

1. Such fees, which must be paid at the time of connection to the facilities, are found in Appendix B of this Code.
2. For uses involving extra strength wastewater:

- a. For wastewater the strength of which exceeds normal domestic wastewater in any constituent, if allowed by the Village Board, there shall be charged a surcharge computed at the time that connection is requested.
  - b. Where the volume and strength of the wastewater to be discharged to the public sanitary sewers is not known at the time of the connection, the fee shall be estimated and adjusted to reflect actual conditions during the billing period just prior to a full year of operation.
  - c. The volume and strength of the wastewater for fee purposes shall be the maximum daily discharge of constituents.
  - d. Where a connection is made based on the applicant's statement that the strength of the wastewater does not exceed normal domestic wastewater in any constituent, and at the end of the billing period just prior to a full year of operation it is determined that the wastewater does exceed domestic wastewater in strength, the Village Board may accept or reject the wastes.
3. The tapping fee for any use not located within the corporate limits of the Village shall be 3 times the applicable tapping fee listed in this Section 6A.33-C.

D. No connection will be allowed to the wastewater facilities if the Village Board determines:

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

#### 6A.34 **BUILDING SEWERS** *Amended, 06-O-01*

A. Separate Sewers Required: A separate and independent building sewer shall be provided for every building, except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as 1 building.

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

C. Location: Unless otherwise approved by the Director or Utilities Superintendent, the building sewer shall include provisions for an overhead sewer system.

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

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

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

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

#### **6A.35 WASTES ADMISSIBLE TO THE WASTEWATER FACILITIES**

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

1. Any compatible pollutant except that the strength, volume and rate of flow of the waste may be regulated.
2. Any incompatible pollutant which is identified in the NPDES permit received by the Village except that the total from all sources may not exceed the amount allowed under the NPDES permit.
3. Any incompatible pollutant for which an effluent standard has been established by the IEPA or promulgated by authority of the Act provided that:
  - a. The aggregate total from all sources shall not exceed the total allowable to the wastewater treatment facilities based on the average dry weather flow. It is assumed that there will be no removal of the incompatible waste in the treatment facilities.
  - b. The concentration of the incompatible waste discharged from any source shall not exceed 2 times the concentration allowed in the wastewater treatment facility effluent.

- c. The concentration of the incompatible waste in the wastewater treatment facility shall not exceed the maximum allowed by the IEPA.
  - d. The concentration of the incompatible waste will not adversely affect the stream standards established for the Fox River.
- 4. Cooling water or other uncontaminated industrial process water.
  - 5. The Village may from time to time establish maximum concentrations of various pollutants in the wastewater treatment facility effluent.

**6A.36 WASTES INADMISSIBLE TO THE WASTEWATER FACILITIES**

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

- 1. Wastes which interfere with the operation of the wastewater facilities.
- 2. Any cyanide or cyanogen compound unless an IEPA permit has been received by the Village.
- 3. Mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time.
- 4. Storm water, surface water, ground water, roof runoff and subsurface drainage.
- 5. Uncontaminated cooling water or unpolluted industrial process waters.
- 6. Wastes which may create a fire or explosion hazard in the wastewater facilities.
- 7. Wastes which will cause corrosive structural damage to the wastewater facilities.
- 8. Wastes with pH lower than 6.0 or higher than 9.0.
- 9. Solid or viscous wastes in amounts which would cause obstructions to flow in sewers or other interference with the proper operation of the wastewater facilities.
- 10. Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so there is a treatment process upset and subsequent loss of treatment efficiency. Provided, however, that concentration of any given constituent or in quantity of flow shall not exceed 5 times the average 24-hour concentration or flows during normal operation for any period exceeding 15 minutes.
- 11. Any incompatible waste except as admissible in Section 6A.35.
- 12. Any compatible waste, the strength of which exceeds normal domestic wastewater in any constituent except as permitted by the Village Board.
- 13. Any waste containing more than 100 mg/l of fats, oils or grease.

14. Any garbage that has not been properly shredded. The discharge of garbage into the wastewater facilities by any user except a domestic user shall be subject to review by the Village Board and may be rejected if it determines there is inadequate treatment capacity available.
15. Any liquid having a temperature higher than 150 degrees Fahrenheit.
16. Any wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits established by the Village Board.
17. Any wastes which will cause discoloration such as, but not limited to, dye wastes or printing inks.
18. Any wastes which alone or in combination with other wastes will cause the violation of any effluent or stream standards established by the IEPA or by authority of the Act.

#### **6A.37 GREASE, OIL AND SAND INTERCEPTORS**

A. A grease interceptor (trap) shall be installed if the grease content of the wastewater exceeds 100 mg/l. The grease trap shall be located so it may be readily cleaned and inspected. Each grease trap shall be sized so it will continuously produce an effluent containing less than 100 mg/l of fats, oils or grease. Each grease trap shall be properly maintained at no cost to the Village. A permit is required for a grease interceptor.

B. If required by the Director an oil or sand interceptor shall be installed to prevent the entrance of sand or similar granular material, or oil into the wastewater facilities of the Village. Said interceptor shall be properly constructed and continuously maintained at no cost to the Village. A permit is required for each oil or sand interceptor.

C. Equipment and devices installed under this Section shall not be considered to provide pretreatment to the wastewater. No special operation permits or operating data shall be required.

#### **6A.38 PRETREATMENT**

A. Any user discharging or proposing to discharge any wastewater into the wastewater facilities of the Village which contain substances or possess the characteristics enumerated in Section 6A.36 and/or which are in violation of the standards established by the IEPA or USEPA shall provide pretreatment of the wastewater to an acceptable condition for discharge to the wastewater facilities. All required permits shall be filed with the Director prior to construction of the pretreatment facilities.

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

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



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

**6A.39 MARINE SANITATION** *Amended, 09-O-07*

A. No person shall discharge or cause to discharge any wastewater from any marine craft equipped with any plumbing fixtures into any watercourse under the jurisdiction of the Village.

B. No person shall operate any marine craft equipped with any plumbing fixtures in any watercourse under the jurisdiction of the Village without the use of an adequately sized holding tank to retain all wastewater discharged from the plumbing fixtures.

C. No person shall operate a marina within the Village without having installed a holding tank unloading station to transfer the wastewater from the holding tanks of marine craft to the public sanitary sewer.

D. Marine craft wastewater holding tanks shall be factory fabricated by a manufacturer of marine equipment and shall be sized and include such appurtenances as are standard for the boating industry for the class of craft in which the holding tanks are installed.

E. Unloading stations shall be designed and installed so the wastewater is efficiently and expeditiously discharged to the public sewer. There shall be no open discharge of wastewater.

The system shall include pumps, adequately sized suction and discharge piping with positive connections at both suction and discharge, a method of metering or measuring the volume of wastewater discharged into the public sanitary sewer and an inspection manhole for sampling the wastewater.

Persons wishing to install an unloading station shall submit plans and specifications to the Director and shall not start construction until a permit has been issued by the Director.

F. All other sections of this Chapter with respect to wastes are applicable to this Section.

G. Pretreatment of the wastewater or the installation of grease, oil or sand interceptors shall be required if deemed necessary by the Director.

H. Marinas with less than 15 berths may be exempted from installing an unloading station if the Director determines that adequate unloading facilities are available within the Village and such facilities are available to craft not berthed at the marina.

I. No unloading station shall be installed and connected to a private wastewater treatment facility.

J. Unloading stations shall be operated at no cost to the Village.

K. The minimum annual charge for wastewater discharged into the public sewer is found in Appendix B of this Code.

## 6A.40 USER CHARGE

A. Policy: It is hereby declared that the policy of the Village is:

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

B. Cost of Operation and Maintenance: The cost of operation and maintenance shall be computed as follows:

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

C. Summary of Users: Annually, concurrently with the determination of the cost of operation and maintenance, the Village shall make a summary of all users. Said summary shall include a summary of all domestic users with a breakdown as to whether Village or private water supply is used, a summary of commercial users listing all such users discharging industrial wastes and/or subject to a surcharge and a summary of all industry listing all such users discharging industrial wastes and/or subject to a surcharge. Where a user discharges industrial wastes and/or is

subject to a surcharge, an estimate of the volume and strength of said wastewater shall be made.

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

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

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

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

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

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

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

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

#### **6A.41 DEBT SERVICE AND OTHER COSTS**

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

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

#### **6A.42 WATER, SANITARY SEWER AND STORM SEWER USES OUTSIDE OF THE CORPORATE LIMITS OF THE VILLAGE** *95-0-54*

A. Compliances Required: No permit shall be issued for the tapping into or use of any water main or sanitary sewer or storm sewer facility under the jurisdiction of the Village for any location outside of the corporate limits of the Village until the person or user executes a perpetual, binding agreement to comply with and be governed by all applicable sections of Chapter 6, Water

and Sewer Department; Chapter 26, Site Plan and Development Review Requirements; Chapter 27, Soil Erosion and Sediment Control; and Chapter 28, Stormwater Drainage and Detention, of this Code.

**6A.43 WATER, SANITARY SEWER AND STORM SEWER USES FOR AUTOMOBILE SERVICE, REPAIR AND FUEL DISPENSING PROPERTIES** 95-0-54

A. Discharge Monitoring: Inspection manholes in sanitary sewers required by Section 6A.34-G shall be capable of being equipped with continuous 24-hour composite sampling equipment meeting the requirements of Section 6A.17-C. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, all sanitary sewers serving non-domestic uses shall include such monitoring throughout the year in a manner secured and coordinated by the Director or his designee. Additionally, any property involved in the repair or servicing of automobiles, trucks or engine-powered equipment shall install a triple basin oil separator in the sanitary line servicing the repair area of the building. This system shall be cleaned, serviced and inspected at least twice per year.

B. Stormwater Handling and Detention: Stormwater handling shall be in accordance with Chapter 28, Stormwater Drainage and Detention, of this Code and when the property use is associated with automotive repair or handling, sale or dispensing of petroleum products and/or automotive fluids, there shall be a separate drainage system constructed to collect all fluids from the areas associated with pump islands and under pump canopies. This separate drainage system shall collect these fluids and hold them in a separate sealed tank for testing and removal by approved special waste handling methods. Stormwater conductors or downspouts that drain the canopy roof shall be discharged via hard piping directly to the on-site storm sewer system. Downspouts shall not be allowed to discharge across the surface of the fueling area and/or parking lot. All fuel dispensing equipment, storage tanks, secondary containment structures, monitoring wells, leak detection equipment, piping and venting shall be installed in accordance with the standards listed below:

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

*Management Standards*, Federal Register, July 14, 1986, both published by USEPA, Office of Underground Storage Tanks, 401 M Street, S.W., Washington, DC 20460.

5. *Rules of the Illinois State Fire Marshall*, Parts 170 & 180, Title 41, Chapter 1, State of Illinois, Office of the Fire Marshall, 1035 Stevenson Parkway, Springfield, IL 62703.

C. Jurisdiction:

1. These requirements shall be met by any property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, where any water main, wastewater or stormwater facility is under the jurisdiction of the Village, regardless of whether or not such property lies within the corporate limits of the Village.
2. The requirements of this Section 6A.43-C shall not be applied to existing property uses except that whenever a permit shall be required for new construction or reconstruction of a property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids involving placement, replacement, reconfiguration, removal or modification of any fueling area, compliance with the provisions of this Section 6A.43 shall be required.

#### 6A.44 **LIMITATIONS ON DISCHARGE OF WASTEWATER**

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

#### 6A.45 **PENALTIES** *Amended, 09-O-07*

Unless another penalty is specifically provided by this Chapter for the violation of any particular section hereof, any person violating any provision of this Chapter or any rule or regulation adopted or issued in pursuance hereof, or any lawful order made by a Village official hereunder, shall, upon conviction, be subject to a fine pursuant to Appendix B of this Code plus all costs related to remediation, restitution and prosecution, including but not limited to filing fees, witness fees and attorneys' fees.



**Exhibit A**  
**CHAPTER 6A DEFINITIONS**

These definitions, whether capitalized or not, are supplemental to Appendix A.

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

**Average Dry Weather Flow:** The average daily flow for the lowest 3-month period in the previous calendar year.

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

**Building Drain:** That part of the lowest piping of a drainage system which receives the discharge from the soil, wastes and other drainage pipes inside the walls of a building and conveys it to the building sewer or other approved point of discharge, beginning 5 feet outside the inner face of the building wall.

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

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

**Collector:** See Section 3.03 of this Code.

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

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

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

**Director:** The Public Works Director pursuant to Section 5.01 of this Code.

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

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

**Dwelling or Residential Dwelling Unit:** A unit designed for occupancy by 1 family. It may be a house designed for the exclusive use of 1 family or it may be a portion of a building designed and intended to be used by 1 family.

**Estimated Flow From Domestic Users:** The estimated wastewater flow from single family dwellings where private water systems are used. For the purpose of Chapter 6A the contribution per dwelling unit shall be 350 gallons per day.

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

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

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

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

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

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

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

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

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

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

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

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

- A. Has a flow of 50,000 gallons or more per average work day.
- B. Has a flow greater than 10 percent of the average dry weather flow.



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

**Marina:** A boating facility for the berthing or securing of all types of recreational craft.

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

**May:** May is permissive.

**New Wastewater Source:** Any source constructed after the adoption of Chapter 6A. For the purposes of Chapter 6A additions to a dwelling unit shall not be considered a new source.

**Normal Domestic Wastewater:** For the purposes of Chapter 6A normal domestic wastewater shall contain the following constituents at the strengths indicated:

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

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

**P.E.:** One P.E. equals 100 gallons per day.

**Person:** Any individual, firm, company, association, society, corporation, group or taxing body.

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

**P:** Phosphorus or phosphorus compounds.

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

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

**Properly Shredded Garbage:** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

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

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

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

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

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

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

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

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

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

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

**Wastewater:** The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

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

**Water and Wastewater Service Charge:** A charge for the use of and the service supplied by the water and wastewater facilities of the Village. The service charge shall consist of the user charge, the cost of any bond debt of such facilities and such other costs as may be deemed necessary by the Village.

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

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

**Water Course:**

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

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