

**CHAPTER 38**

**UTILITIES**

**ARTICLE I - DEPARTMENT ESTABLISHED**

**38-1-1**     **DEPARTMENT ESTABLISHED.** There shall be a department of the Village known as the Water and Sewer Department. It shall include the Public Works Director, the Committee on Water and Sewer, and its employees. The designated office shall be the Water and Sewer office.

**38-1-2**     **WATER AND SEWER COMMITTEE.** The Water and Sewer Committee shall exercise a general supervision over the affairs of the waterworks system and sewerage system. The Committee shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Public Works Department.

**38-1-3**     **PUBLIC WORKS DIRECTOR.** The Public Works Director shall be subject to the supervision of the Committee on Water and Sewer and shall be known as the "**Director**". He shall be appointed by the Mayor with the advice and consent of the Village Board and shall hold his office until his successor shall be appointed and qualified. He shall receive such salary as may be provided for by the Village Board.

**38-1-4**     **DUTIES OF THE DIRECTOR.** The duties of the Director shall be as follows:

(A)           He shall, subject to the direction of the Village Board, have the general direction and control of the Water and Sewer Department, and shall see that the object and purpose thereof are carried out, and that the waterworks system and sewerage system is conducted on an economical, business-like basis.

(B)           He shall set up and maintain a proper system of accounts showing the amount of revenue received from both the waterworks and sewerage system and the application of this revenue. At least once each year, his accounts shall be properly audited by a Certified Public Accountant and a report of this audit shall be open to the public for inspection at all reasonable times.

(C)           He shall prepare each month a report of all claims and expenses incurred by the Department in the discharge of its duties and submit the same to the Village Board. The claims and

expenses shall be paid only upon vouchers drawn against the **"Waterworks and Sewerage Fund"** in accordance with the order of the Village Board.

(D) He shall inspect all connections to the waterworks and sewerage systems at the time they are made and report to the Water Clerk the date when the sewerage connection is completed or the water is turned on.

(E) He shall shut off the water supply of any delinquent user or violator of the provisions of this Code.

(F) He shall issue permits for connections to the waterworks and sewerage systems whenever an application for the same has been made as provided herein, and to tap the mains of the water and sewer systems wherever connections are to be made.

(G) He shall determine the size of each connection to be made.

(H) He shall supervise the setting, taking off, and repairing of all water meters.

(I) He shall make all repairs occasioned by leaks or breaks in the mains of the waterworks and sewerage systems, and shall shut off the water from all premises where leaks are permitted to go unrepaired.

(J) He shall examine and test at least annually, all fire hydrants and street valves and if they are found to be in an unsatisfactory condition, he is to repair the same.

**38-1-5 ASSISTANT PUBLIC WORKS DIRECTOR.** The Mayor shall appoint, with the advice and consent of the Village Board, an Assistant Public Works Director for the same term that he appoints the Public Works Director. He shall be under the direct supervision of the Director and shall carry out all assignments and responsibilities delegated to him.

## **ARTICLE II - RATES AND REGULATIONS**

### **38-2-1 CONTRACT FOR UTILITIES SERVICES.**

(A) **Customer Accepts Service.** The rates, rules, and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage system and every person, company or corporation, hereinafter called a **"customer"**, who accepts and uses Village water and sewer services shall be held to have consented to be bound thereby. **(Ord. No. 89-22; 08-21-89 In Part)**

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular, or defective, or fail from causes

beyond

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its control, or through ordinary negligence of employees, servants or agents, the Department shall not be liable therefor.

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

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction for such act, be fined as provided in Chapter 1, Article 1 of this Code.

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

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

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

(H) **Billing.**

(1) Bills for service shall be due and payable at the Water and Sewer Department Office in Bethalto on or before the due date stated on the face of the bill.

(2) The monthly bill shall reflect, in most instances, actual usage. Meter readings will be made each month, circumstances permitting. From time to time, it may be necessary, however, for bills to be estimated because of natural forces such as inclement weather. In the event of that occurring, estimates will be reflected on the bill by an  
(e) A subse-

quent monthly bill will revise any estimate with an actual reading, designated with an (a) on the bill.

- (3) A penalty of **ten percent (10%)** of the face amount of the bill shall be charged on all bills not paid at the Water and Sewer Department office on or before the due date. Actual date of receipt at the Water and Sewer Department Office shall prevail.
- (4) The Public Works Director or the Assistant Public Works Director may on request at the time of payment, no more often than once each year for any user, waive the penalty charge in event of absence, hospitalization, or death of any user.
- (5) In the event any check for payment of bills shall be returned by the financial institution on which it is drawn for reason of insufficient funds, no account, or otherwise dishonored, it shall be charged back to the user's account with a "bad check" penalty of **Twenty Dollars (\$20.00)** for each check so dishonored.
- (6) Charges for services rendered, which are not paid on or before the due date stated on the face of the bill, shall be considered delinquent thereafter until such time as said charges are fully paid.
- (7) All delinquent charges shall be liens upon the real estate for which service is supplied. However, such lien upon real estate has no preference over the rights of any purchaser, mortgagee, judgment creditors or other lien holder arising prior to the filing by the Village of a Notice of such lien in the Office of the Recorder of Deeds of Madison County in which such real estate is located; such Notice shall consist of a sworn statement setting out:
  - (a) A description of such real estate;
  - (b) The amount of money due for such service;
  - (c) The date when such amount became delinquent.

The Village shall have the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

- (8) In addition to the imposition of a lien upon real estate, and the foreclosure thereof, the Village at its discretion may, from time to time, sue the occupant or user of the real estate in a civil action to recover the money due for services rendered, plus reasonable attorneys fees.
- (9) Whenever a judgment is entered in such a civil action, the foregoing provisions in (7) with respect to filing sworn statements of such delinquencies in the office of the recorder and creating a lien against the real estate shall not be effective thereafter as to charges sued upon and no lien shall exist thereafter against the real estate for the delinquency. Judgment in such a civil action operates as a release and waiver of the lien for the amount of the judgment.
- (10) As further means for the enforcement of payment of bills, or any of the other terms or conditions under which services to be given, the Village reserves the right to terminate water service (as set out in (11) below) until the subject bill, plus penalty and any expenses of recording of lien are paid in full, or such other violation remedied.
- (11) At any time there are delinquent charges outstanding, as defined under Section 38-2-1(H)(6) a Notice of Termination of Service is to be generated and sent with the subsequent monthly billing. Said Notice of Termination of Service will provide that unless all pending charges, including delinquent bill, penalty and any expenses associated therewith are paid in full by the due date of the subsequent month's bill, the water service for the subject property will be terminated.
- (12) Said Notice of Termination of Service shall also give notice to the customer prior to termination that the Village of Bethalto Water and Sewer Department has employees available to answer questions and explain this billing Monday through Friday, exclusive of holidays, during the hours of 8:30 A.M. to 5:00 P.M. should the customer challenge the proposed termination as unjustified. Facts disputing a bill or an appeal of the decision terminated service shall be considered and decision shall be final and communicated to the customer.

- (13) On the last business day prior to a scheduled termination of service (as set out in (11) above) due to nonpayment of bills, a designated agent of the Public Works Director shall affix a red tag notice, bearing the date of the scheduled disconnection, on the subject property to which the service is rendered. When such a red tag notice is affixed to the property, a fee in the amount of **Ten Dollars (\$10.00)** shall be assessed, which fee shall be in addition to any and all fees charged to that account.
- (14) In the event of any termination of service for the reason of default, a reconnection charge of **Sixty-Five Dollars (\$65.00)** must be paid by the user in default in addition to all other applicable charges, plus penalty, plus any expenses associated therewith, before service will be resumed. (**Ord. No. 08-19; 11-03-08**)
- (15) In addition to the privilege to disconnect service, the Village may enforce collection from deposits or other money on hand belonging to the consumer of the services, or otherwise enforce their rights as provided by law, as a personal debt or obligation of the customer. (**Ord. No. 93-16; 8-2-93**)

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

**38-2-3**     **LIABILITY FOR CHARGES.** The customer, i.e. the occupant and user of the services to such lot, parcel of land or premises shall be liable for charges for all services rendered to the premises by the Village. The owner of such lot, parcel of land or premises shall be personally liable for charges only when the owner is a customer, i.e. a user of services for such lot, parcel of land or premises. **(Ord. No. 93-16; 08-02-93)**

**38-2-4**     **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the previous **three (3) months** usage. If no record of the previous **three (3) months** exists, then it shall be the duty of the Village Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

**38-2-5**     **NO FREE UTILITY SERVICE.** No person, church or other organization shall be given any free service. All unauthorized connections or delinquent customers shall be reported promptly by all officers or employees of the Village or Water Department to the Water Committee and prosecution shall be made on recommendation of the Water Committee as provided by law. **(Ord. No. 89-22; 08-21-89)**

**38-2-6**     **CONTRACT RATES.** The Water Department may, by resolution, make special contracts for limited time for construction contractors or other person desiring to take unmetered quantities of water for special purposes. The Village Board, by resolution or ordinance, may make special contracts with other municipalities, districts, persons, or corporations for the supplying of water on wholesale basis or for fire protection purposes.

**ARTICLE III - WATER SYSTEM**

**DIVISION I - GENERAL REGULATIONS**

**38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** All persons desiring water service shall make written application therefore at the Village Water Department Office, stating the owner of the premises, the occupants of the premises, the street address or lot number where service is requested, the permanent parcel identification number as assigned by the Madison County Property Indexing System for the property to be served, a short legal description of the property to be served sufficient for identification purposes, and the mailing address for billing purposes. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Article IV for fees.) (Ord. No. 89-22; 08-21-89)**

**38-3-2 ALL SERVICE TO BE BY METER.** All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

**38-3-3 LOCATION OF APPURTENANCES.** The Village Water Department shall have the right to place and maintain all necessary valves, meter boxes, tiles, or other appurtenances required in connection with the service, on the premises of user or in the street in front of the premises. No person shall obstruct access to the meter box and surface drainage therefrom shall not be impeded. In event the owner shall change the grade of the premises after the installation of the meter tile so as to require a change in the grade of the meter tile cover in order to maintain the same in serviceable condition, the property owner shall pay the expense of such raising or lowering. **(Ord. No. 89-22; 08-21-89)**

**38-3-4 INSPECTION.**  
(A) **Access to Premises.** The Village shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe,

fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the Village. The Village shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the Village or the supply or fixtures of other consumers.

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

**38-3-5** **METER DAMAGED.** Whenever a meter is found to have been damaged by:

- (A) Unauthorized consumer access to metering equipment;
- (B) Any other unauthorized tampering with meter;

The consumer shall pay the Village for the actual cost of the removal, repair, and replacement of the damaged meter; however, in no event to be less than **Seventy-Five Dollars (\$75.00)** per occurrence, and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order due to such damage. **(Ord. No. 08-19; 11-03-08)**

**38-3-6** **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the express condition that the Village will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

**38-3-7** **RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the Village supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

**38-3-8** **DISCONTINUING SERVICE - DANGEROUS USAGE.** The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately

repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

**38-3-9 ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the Village.

The Village shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the Village caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the Village. If not so disconnected **five (5) days** after notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

**38-3-10 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the Village Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Department for that purpose.

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

**38-3-11 FIRE HYDRANTS.**

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

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

(C) All public fire hydrants located outside the Village Limits owned by the Village shall be maintained in as good

order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the Village may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

**38-3-12 LAWN WATERING.** The right is reserved to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens whenever, in the opinion of the Superintendent, public convenience, so requires. **(Ord. No. 89-22; 08-21-89)**

**38-3-13 SHORTAGE AND PURITY OF SUPPLY.** The Village shall not be held responsible for in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or Village's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

**38-3-14 NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the Village shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-3-15 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become a part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby.

**38-3-16 METER TESTING CHARGE.** All persons desiring a water meter tested shall pay **Twenty Dollars (\$20.00)** in advance, which sum shall be refunded if the meter is found to be faulty.

**38-3-17 - 38-3-19 RESERVED.**

**DIVISION II - CROSS-CONNECTIONS**

**38-3-20 APPROVED BACKFLOW DEVICE.** All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**38-3-21 CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**38-3-22 INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

**38-3-23 RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the

purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Director any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Director, be evidence of the presence of improper connections as provided in this Chapter.

**38-3-24      NOTICE TO CUSTOMER; RECONNECT FEE.**

(A)            The Director is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the Water Department.

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

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

**38-3-25      CONTAMINATION COSTS AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-3-26      CROSS CONNECTION CONTROL – GENERAL POLICY.** In order to implement the stated goals of the Village's Cross Connection Control Program, as set out above, a General Cross Connection Control Policy is established and is more fully set out in Appendix 11 to this Chapter. **(Ord. No. 2004-05; 03-01-04)**

**38-3-27 - 38-3-39      RESERVED.**

### DIVISION III - WELL SETBACK REGULATIONS

**38-3-40**    **PURPOSE.** Pursuant to the authority conferred by **Illinois Compiled Statutes 1992, Chapter 65, Sec. 5/11-125-4; Illinois Compiled Statutes 1992, Chapter 415, Sec. 5/14.2 and 5/14.3;** and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of ground water resources in order to assure a safe and adequate water supply for present and future generations; and to preserve ground water resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Division shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act"), (**Illinois Compiled Statutes 1992, Chapter 415, Sec. 5/14.2**) and this Division, and the maximum setback zone established under Section 14.3 of the Act (**Illinois Compiled Statutes 1992, Chapter 415, Sec. 4/14.3**) and this Division.

**38-3-41**    **DEFINITIONS.** Except as stated in this Division, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Division shall be the same as those used in the Act and the Illinois Ground Water Protection Act (**Ill. Comp. Stat. 1992, Ch. 415, Sec. 5 1 et seq.**):

**"Act"** means the Environmental Protection Act (**Ill. Comp. Stat. 1992, Ch. 415, Sec. 5/1 et seq.**).

**"Agency"** means the Illinois Environmental Protection Agency.

**"Board"** means the Illinois Pollution Control Board.

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

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

**38-3-42**    **PROHIBITIONS.**

(A)            Except as provided in **Sections 38-3-43** and **38-3-44**, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(B)            Except as provided otherwise in **Section 38-3-43**, no person shall place a new potential primary source within the maximum setback zone.

**38-3-43 WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD.**

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from **Section 38-3-42(A)** of this Division.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source other than land filling or land treating, new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-42(A)** of this Division.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-42(B)** of this Division.

(D) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to **Section 38-3-42(A)** of this Division to the same extent that such owner is not subject to **Section 14.2(d)** of the Act.

**38-3-44 EXCLUSION.** **Section 38-3-42(A)** of this Division shall not apply to a new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

Appendix Illustration of the proposed minimum and maximum zone ordinance area.

See attached copy of aerial photographic map.  
**(Ord. No. 92-1)**

**ARTICLE IV - UTILITY RATES**

**DIVISION I - GENERAL**

**38-4-1**     **MULTIPLE OCCUPANCY AND MOBILE HOME PARKS.** Multiple occupancy and mobile home parks shall include apartment buildings having **two (2)** or more dwelling units, a group of buildings having **two (2)** or more dwelling units, a state licensed mobile home park, a building having **two (2)** or more separate stores, offices, or places of business, or a building having a combination of **two (2)** or more such uses, under common ownership and connected to a common water meter. It shall not include any such building unit or mobile home park space having a separately metered water service line from the Village water main in the street or easement nearest said user.

Water service shall be supplied through the common meter in the name of the owner or operator of the building or mobile home park at the public street line. Water shall be charged at the established metered rate for other users.

Sewer service shall be supplied in the name of the owner or operator of the multiple occupancy building or mobile home park. Sewer service shall be charged at the established metered rate for other users. The connection charges for each meter installation and connection to the sewer main in the public street shall be made as in other cases at no extra charge for each unit. The owners or operators of multiple occupancy buildings or mobile home parks shall be responsible for water and sewer charges. No tenant or mobile home occupant shall have any individual right to water or sewer service in event of default by owner or operator and service may be discontinued without notice to tenant or occupant. The owner or operator of such multiple occupancy or mobile home park shall not charge the tenants or occupants in excess of such water and sewer service so as to make a profit on resale. Such charges may be reasonably apportioned among the tenants as a separate charge or included in the general rent. **(Ord. No. 89-22; 08-21-89)**

**38-4-2**     **REVENUES.** All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

The Village Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered

to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the Village". The Mayor and Village Board shall administer such fund in every respect in the manner provided by the **Illinois Revised Statutes, Chapter 24.**

**38-4-3      ACCOUNTS.** The Village Clerk 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 water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A)            Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (B)            Billing data to show total number of gallons billed.
- (C)            Debt service for the next succeeding fiscal year.
- (D)            Number of users connected to the system.
- (E)            Number of non-metered users.
- (F)            A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

**38-4-4      NOTICE OF RATES.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

**38-4-5      ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any Federal Grant.



(C)	For new service application in 2006:	
	For 3/4" service	\$2,000.00
	For 1" service	\$2,300.00
	For 2" service	\$3,800.00
	For greater than 2" service	\$3,000.00 plus actual cost of meter installation
(D)	For new service application in 2007:	
	For 3/4" service	\$2,000.00
	For 1" service	\$2,300.00
	For 2" service	\$3,800.00
	For greater than 2" service	\$3,000.00 plus actual cost of meter installation

There shall be paid an additional sum as set out below for each additional foot of connecting pipe in excess of **sixty (60) feet** from the water main to the meter box:

For 3/4" service	\$1.50/foot
For 1" service	\$2.50/foot
For 2" service	Village's Actual Cost

**(Ord. No. 2004-02; 02-02-04)**

The Water Department shall furnish and install the service pipe from the water main to the meter box for all new connections. The consumer shall install and maintain the line from the meter box to the premises. Applicant and/or owner of the property as hereinafter provided, shall be personally liable for all water service charges to such premises according to established rates herein until ordered shut off by applicant.  
**(Ord. No. 89-22; 08-21-89)**

**38-4-11 WATER RATES.** There shall be established the following rates and charges for the use of the water system of the Village, based upon the amount of water consumed as follows:

(A)	<b><u>Inside Corporate Limits.</u></b>
(1)	For water consumed during calendar year 2008.
First	2,000 gallons \$10.95 MINIMUM CHARGE
All over	2,000 gallons \$3.10 per 1,000 gallons
(2)	For water consumed during calendar year 2009.
First	2,000 gallons \$10.95 MINIMUM CHARGE
All over	2,000 gallons \$3.25 per 1,000 gallons
(3)	For water consumed during calendar year 2010.
First	2,000 gallons \$10.95 MINIMUM CHARGE
All over	2,000 gallons \$3.41 per 1,000 gallons
(4)	For water consumed during calendar year 2011.
First	2,000 gallons \$10.95 MINIMUM CHARGE
All over	2,000 gallons \$3.59 per 1,000 gallons

**(Ord. No. 2008-01; 02-04-08)**

(B) **Outside Corporate Limits.**

- (1) For water consumed during calendar year 2008.
  - First 2,000 gallons \$14.85 MINIMUM CHARGE
  - All over 2,000 gallons \$4.10 per 1,000 gallons
- (2) For water consumed during calendar year 2009.
  - First 2,000 gallons \$14.85 MINIMUM CHARGE
  - All over 2,000 gallons \$4.30 per 1,000 gallons
- (3) For water consumed during calendar year 2010.
  - First 2,000 gallons \$14.85 MINIMUM CHARGE
  - All over 2,000 gallons \$4.51 per 1,000 gallons
- (4) For water consumed during calendar year 2011.
  - First 2,000 gallons \$14.85 MINIMUM CHARGE
  - All over 2,000 gallons \$4.74 per 1,000 gallons

**(Ord. No. 2008-01; 02-04-08)**

(C) **Wholesale Rates.** The wholesale rate to water districts or other municipalities purchasing water for resale shall be:

- (1) For water purchased during calendar year 2008, **Two Dollars Seventy-Four Cents (\$2.74)** per **one thousand (1,000) gallons.**
- (2) For water purchased during calendar year 2009, **Two Dollars Eighty-Eight Cents (\$2.88)** per **one thousand (1,000) gallons.**
- (3) For water purchased during calendar year 2010, **Three Dollars Two Cents (\$3.02)** per **one thousand (1,000) gallons.**
- (4) For water purchased during calendar year 2011, **Three Dollars Seventeen Cents (\$3.17)** per **one thousand (1,000) gallons.**

In addition to the above referenced charge for water purchased, there shall be an additional meter charge as follows:

- (1) For each **four (4) inch** meter \$100.00 per month
- (2) For each **six (6) inch** meter \$150.00 per month

**(Ord. No. 2008-01; 02-04-08)**

(D) The minimum rate is applied to all connections open for service for any month. Fractional months on application or termination of service may be prorated by the day. No more than **one (1) family** or separate dwelling unit or separate business shall be connected to a single meter, except as hereinafter provided for multiple occupancy and mobile home parks. **(Ord. No. 2004-02; 02-02-04)**

(E) **Special Charges for Extensions.** Special connection charges for areas to which service is extended by special petition shall be charged a connection charge according to general rules and regulations adopted for the Water Department extension of service to new areas. **(Ord. No. 2004-02; 02-02-04)**

**38-4-12**     **METER FEE.** In addition to any new water service connection charges referenced under **Section 38-4-10** above and also in addition to any charges for water usage, based upon amount of water consumed, as set out under **Section 38-4-11** above, there is hereby established a flat meter fee charge of **Two Dollars Fifty Cents (\$2.50)** for all service meters inside Village of Bethalto corporate limits and **Three Dollars Fifty Cents (\$3.50)** for all service meters outside Village of Bethalto corporate limits, which fee shall be assessed on a monthly basis for all water service customers of the Village. This fee shall be applicable to all customers except water districts or other municipalities purchasing water for resale. The monthly fee of **Two Dollars Fifty Cents (\$2.50)** within corporate limits and **Three Dollars Fifty Cents (\$3.50)** outside corporate limits, respectively, shall be applicable to all sizes of water meters. **(Ord. No. 2004-02; 02-02-04)**

**38-4-13**     **CROSS CONNECTION COMPLIANCE FEE.** In addition to any new water service connection charges referenced under **Section 38-4-10** above, and also in addition to any charges for water usage, based upon amount of water consumed, as set out under **Section 38-4-11** above, and also in addition to any charge for a meter fee, as set out under **Section 38-4-12** above, there is hereby established a cross connection control compliance fee in the flat amount of **Fifty Cents (\$0.50)** per month per water service. This monthly fee of **Fifty Cents (\$0.50)** shall be applicable to all sizes of water meters.

**38-4-14**     **RESERVED.**

**DIVISION III - SEWER RATES**

**38-4-15 SEWER CHARGES.** All premises connected to the sanitary sewer collector system shall pay a metered rate as follows:

First 2,000 gallons or less	\$6.50 MINIMUM CHARGE
All over 2,000 gallons during calendar year 2008	\$3.78 per 1,000 gallons
All over 2,000 gallons during calendar year 2009	\$3.97 per 1,000 gallons
All over 2,000 gallons during calendar year 2010	\$4.17 per 1,000 gallons
All over 2,000 gallons during calendar year 2011	\$4.38 per 1,000 gallons

**(Ord. No. 2008-01; 02-04-08)**

Gallage discharged shall be computed on the basis of the water meter reading for the Village water service to such premises, except where special sewerage flow meters are installed, service shall not be extended by the Department to any person whose property is located outside the corporate limits of the Village except by a special contract or other authorization of the Village Board of Trustees. All sewer connections shall be for sanitary sewerage purposes only and installed and maintained under the provisions and specifications of **Article V** of this Code. Sewer service shall be taken in connection with water service and nonpayment of sewer charges shall be cause of disconnection of water service. **(Ord. No. 2008-01; 02-04-08)**

**38-4-16 INTERCEPTOR SEWER CHARGE.** The sanitary sewer charge above established for premises connected to the Sanitary Sewerage Collector System and all contract rates with other municipalities and sanitary sewer districts for discharge of sewage directly into the Village Interceptor Sewer Line shall include:

(A) A sewer use charge for operation, maintenance and replacement of the waste treatment facility known as Bethalto Interceptor Sewer (Federal Grant Project No. C171082) to be established pursuant to guidelines contained in Section 204(b) of the Federal Water Pollution Contract Act and regulations issued thereunder in such amount as to assure that each recipient of waste treatment services will pay its proportionate share of the cost of operation and maintenance including replacement of such facility in order to equitably distribute such costs to pollutant source and to promote self-sufficiency of said treatment works with respect to operation and maintenance costs, and

(B) A charge sufficient to pay the debt service charges and other costs of the Village for local funds used for the construction of said treatment works and other local charges such as meter reading and billing to users of the treatment works.

The user charge shall result in the distribution of the cost of operation and maintenance of said treatment works to each user or user class in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the users contribution to insure a proportional distribution of the operation and maintenance costs to each user or user class. Such user charge shall be sufficient to generate revenue required to offset the cost of all maintenance and operation provided by said treatment works.

**38-4-17 GREASE TRAP INSPECTION FEE.** All premises connected to the Sanitary Sewer Collection System where food is processed or served and all garage and service stations or other establishments requirement to provide and maintain an interceptor to prevent grease, oil, sand, and other harmful ingredients from entering the sanitary sewer system in accordance with **Section 38-5-40 of Article V** of this Chapter, shall pay an inspection fee of **Two Dollars (\$2.00)** per month which shall be in addition to all other charges provided by this Code.

The Public Works Director shall inspect or cause to be inspected all such interceptors, commonly known as grease traps, at least once each month to determine that they are maintained in good operating order.

**38-4-18 SEWER CONNECTION CHARGE.** Before the sewerage system is connected to any premises in the Village, a connection charge, paid cash in advance shall be payable in accordance with the following schedule:

(A) During calendar year 2005 - **One Thousand Dollars (\$1,000.00)**

(B) During calendar year 2006 - **One Thousand Five Hundred Dollars (\$1,500.00)**

(C) During calendar year 2007 - **Two Thousand Dollars (\$2,000.00)**

(D) During calendar year 2008 - **Two Thousand Five Hundred Dollars (\$2,500.00)**

**(Ord. No. 2005-29; 12-05-05)**

**38-4-19 SEWER AVAILABILITY CHARGE.** Each water user in the Village not connected to the Sanitary Sewer System of the Village of Bethalto, provided service is available to said premises, shall pay a sewer availability charge of **Two Dollars Thirty-Six Cents (\$2.36)** per month. Availability of sewer service shall mean that a public sanitary sewer line of the Village of Bethalto is in a public street or easement adjacent to or within **one hundred (100) feet** of the property line of the water user. **(Ord. No. 89-22; 08-21-89)**

**ARTICLE V - SEWER SYSTEM**

**DIVISION I - GENERAL PROVISIONS**

**38-5-1** **DEFINITIONS.** Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

**"GOVERNMENT, FEDERAL".**

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Water Pollution Control Act (**33 U.S.C. 1251, et seq.**) as amended by the Federal Water Pollution Control Act Amendments of 1972 (**Pub. L. 92-500**) and (**Pub. L. 93-243**).

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

**"GOVERNMENT, STATE".**

(A) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(B) **"State Act"** means the Illinois Anti-Pollution Act of 1970.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

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

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

**"SEWER TYPES AND APPURTENANCES"**

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet [1.5 meters]** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve **one (1)** or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewers may not have been constructed with Village funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

(H) **"Sewerage"** shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewers.

**"TREATMENT":**

(A) **"Pretreatment"** shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

(B) **"Wastewater Treatment Works"** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

**"TYPES OF CHARGES":**

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

(B) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of the outstanding loan, bond, etc.

(C) **"Depreciation"** shall mean expenditure to establish a sinking fund for replacement of major treatment units at the expiration of the facilities' useful life.

(D) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(E) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in **Section 38-4-16**.

(F) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be **twenty (20) years** from the date of start-up of any wastewater facilities constructed with a State grant.

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

(H) **"Wastewater Service Charge"** shall be the charge per month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in **Section 38-5-21** and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

(I) **"Water and Sewerage Fund"** is the principal accounting designation for all revenues received in the Village's operation of the sewerage system.

**"USER TYPES":**

(A) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

(B) **"Industrial User"** shall include establishments engaged manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Institutional/Governmental User"** shall include hospitals, schools, churches, penal institutions, and user associated with Federal, State and local governments.

(D) **"Residential User"** shall mean all dwelling units such as houses, mobile homes, apartments and permanent multi-family dwellings.

(E) **"User Class"** shall mean the type of user, either "residential", "institutional/governmental", "commercial" or "industrial" as defined herein.

**"WASTEWATER AND ITS CHARACTERISTICS":**

(A) **"BOD" (Denoting Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days at twenty degrees Celsius (20° C.)**, expressed in milligrams per liter.

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

(C) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(D) **"Floatable Oil"** is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(E) **"Garbage"** shall mean solid wastes from the domestic commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(F) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(G) **"Major Contributing Industry"** shall mean an industrial user of the publicly-owned treatment works that:

- (1) has a flow of **fifty thousand (50,000) gallons** or more per average work day; or
- (2) has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (4) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(H) **"Milligrams Per Liter (mg/l)"** shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in **one thousand (1,000) ml** of water. It has replaced the unit formerly used commonly, "parts per million", to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

(I) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

(J) **"ppm"** shall mean "parts per million" by weight.

(K) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is **one hundred (100) gallons** of sewage per day, containing **0.17 pounds of BOD and 0.20 pounds of suspended solids**.

(L) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one-half (1/2) inch [1.27 centimeters]** in any dimension.

(M) **"Sewage"** is used interchangeably with "wastewater".

(N) **"Slug"** shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer

than **fifteen (15) minutes** more than **five (5) times** the average **twenty-four (24) hour** concentration of flows during normal operation.

(O) **"Standard Methods"** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

(P) **"Suspended Solids (SS)"** shall mean solids that either float on the surface of or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

(Q) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(R) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

(S) **"Wastewater"** shall mean the spent water of a community. From this standpoint, of course, it may be a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

**"WASTEWATER FACILITIES"** shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.

**"WATERCOURSE AND CONNECTIONS":**

(A) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(B) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**38-5-2 - 38-5-4      RESERVED.**

**DIVISION II**

**USE OF PUBLIC SEWERS REQUIRED**

**38-5-5**     **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

**38-5-6**     **POLLUTING WATERS.** It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

**38-5-7**     **PRIVATE DISPOSAL FACILITIES.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**38-5-8**     **DISCONTINUANCE OF PRIVATE DISPOSAL SYSTEM.** The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within **ninety (90) days** after the date of official notice to do so, provided that the public sewer is within **one hundred (100) feet** of the property line. No such connection shall be required or permitted when the downstream capacity of the sanitary sewage works have insufficient capacity to accommodate the additional flow anticipated by such connection. **(Ord. No. 77-14; 06-06-77)**

**38-5-9**     **RESERVED.**

**DIVISION III - PRIVATE SEWAGE DISPOSAL**

**38-5-10 PRIVATE SYSTEM REGULATIONS.** Where a public sanitary sewer is not available under the provisions of **Section 38-5-8**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

**38-5-11 PRIVATE SEWER SYSTEM PERMIT.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Village. 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 are deemed necessary by the Village. A permit and inspection fee of **Fifty Dollars (\$50.00)** shall be paid to the Village at the time the application is filed. The fee is not refundable. **(See Appendix No. 2)**

**38-5-12 INSPECTION.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village. The Village shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village Clerk when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **three (3) working days** of the receipt of written notice by the Village.

**38-5-13 REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. However, no permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities. No private sewage disposal system shall be permitted to discharge to any natural outlet unless approved by the State Department of Public Health and the Village.

**38-5-14 CONNECTION TO PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system as proved in **Section 38-5-8**, the building sewer shall be connected to the public sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and waste material which shall be disposed of in a lawful, sanitary and proper manner and the private disposal system shall be filled with clean, bank-run gravel or dirt.

**38-5-15**     **MAINTENANCE OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the Village.

**38-5-16**     **ADDITIONAL REQUIREMENTS.** No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the County or State Health Department or other agencies having lawful jurisdiction. **(Ord. No. 77-14; 06-06-77)**

**38-5-17**     **RESERVED.**

#### **DIVISION IV**

#### **BUILDING SEWERS AND CONNECTIONS**

**38-5-18**     **PERMIT REQUIRED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director and performing such work subject to inspection of the Director.

**38-5-19**     **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-5-20**     **APPLICATION FOR PERMIT; FEE.** There shall be **one (1)** class of building sewer permit for residential, commercial and industrial service. The owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented with any plans, specifications, or other information considered pertinent in the judgment of the Village. Industry, as a condition of permit authorization shall provide information describing its wastewater constituents, characteristics, and type of activity. **(See Appendix 3 and 4)**

**38-5-21**     **CAPACITY OF SEWER.** A building sewer permit shall be issued and a sewer connection be allowed only if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**38-5-22**     **COSTS AND EXPENSES.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**38-5-23**     **INDEPENDENT BUILDING SEWER REQUIRED.** A separate and independent building sewer shall be provided for every building except that where **one (1) building** stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as **one (1) building sewer**, or except that buildings of common ownership and control may be served by a single sewer subject to the rules and regulations of the Illinois Environmental Protection Agency.

**38-5-24**     **OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found upon examination and test by the Village to meet all requirements of this Code.

**38-5-25**     **CONSTRUCTION OF BUILDING SEWER.** The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the latest edition of the Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

- (A) Pipe materials and fittings shall be acceptable as follows:
- (1) **Vitrified Clay Pipe.** Vitrified Clay Pipe for sizes larger than **twelve (12) inches** shall conform to ASTM Designation C-700 (Extra Strength). Vitrified Clay Pipe for sizes **twelve (12) inches** or smaller shall be plain and pipe conforming to dimensional and strength requirements of ASTM C-700, latest revisions. Pipes shall be jointed using a compression sleeve manufactured to conform to ASTM Specifications C-494-70, Type B, latest revision, or ASTM Specification C-700 with C425 joints.  
Clay pipe shall be installed in accordance with ASTM Designation C12-74 "Standard Recommended Practice for Installing Vitrified Clay Sewer Pipe".
  - (2) **Polyvinyl Chloride Pipe.** All Polyvinyl Chloride (PVC) plastic pipe shall conform to accepted current standards and specifications such as (ASTM) D 3034 standard specification, Type PSM Polyvinyl Chloride (PVC) sewer pipe fittings, DR (Dimension Ration) 35, except 4" which shall be SDR 33.5, ASTM D 3212 standard specifications for sewer joints using elastomeric seals. Pipe and fittings shall be made from clean rigid Poly (Vinyl Chloride) Compounds and Chlorinated Poly (Vinyl Chloride) Compounds, having physical properties and chemical resistance of cell classifications for pipe of 12454-B, 12454-C, or 13364-B, and cell classifications for fittings of 12454-B, 12454-C or 13343-C, conforming to ASTM resin specifications C 1784. All pipe shall have an integral and homogeneous bell end provided with a flexible gasket seal which is in compliance with the requirements of ASTM C3139 or ASTM D1869. Lubricant for joining pipe shall be NSF approved. Protective measures shall be taken during storage and handling of pipe to prevent direct exposure to the sun for extended periods of time. Polyvinyl Chloride Pipe shall be installed in accordance with ASTM Designation D 2321-74 "Standard Recommended Practice for Underground Installation of Flexible Thermoplastic Sewer Pipe".
  - (3) **Ductile Cast Iron Pipes.** Ductile Cast Iron Pipe shall conform to ASA Specification A21.50-1965 (AWWA H3-65) or ANSI Specification A21.51, (AWWA C151-75) latest revision, with push on rubber joints.

- (4) **ABS Composite Sewer Pipe.** ABS Composite Sewer Pipe shall meet the requirements specified in ASTM D-2680-74 and installed in accordance with ASTM 2321-74 "Underground Installation of Flexible Thermoplastic Sewer Pipe".
- (5) **Reinforced Concrete Sewer Pipe.** Reinforced concrete sanitary sewer pipe shall be the type known as concrete sanitary sewer pipe with rubber and steel joints. Reinforcement and wall thickness shall conform to the strength requirements of ASTM Designation C-76, latest revision, wall thickness shall conform to ASTM C-76 wall B or wall C or AWWA Standard C-301 or C-302. The use of elliptical cages will not be permitted. Lift holes for the purpose of handling and laying will not be permitted. Joints for sanitary sewer pipe shall be of rubber and steel, flexible, self centering type, with "O" ring round rubber gaskets circular in cross section conforming to ASTM C-361. Both the steel bell and the steel spigot shall be securely fastened in the pipe wall by welding to the inner cage. Exposed metal surfaces at joints shall receive an approved factory applied metallic coating. The concrete pipe shall be cured by moist steam at a temperature between **one hundred ten degrees and one hundred fifty degrees Fahrenheit (110° and 150° F)**. The concrete shall meet the strength requirements of ASTM C-76 for the respective size and class specified. Class IV shall be used for all concrete pipe lines. Absorption shall not exceed **5.5%**. Reinforced concrete sanitary sewer pipe shall be installed in accordance with the Field Installation Procedures listed in ASTM Designation C361-74.

(B) Manholes and special structures shall be acceptable as follows: all manholes for sanitary sewers shall be precast manholes conforming with ASTM C 478 with a minimum diameter of **forty-two (42) inches**. Cones and sections shall be substantially free from fractures, large or deep cracks and surface roughness. Slabs shall be sound and free from gravel pockets. The floor of the manhole shall have invert channels formed at least **one half (1/2)** of the pipe diameter, with the floor of the manhole outside the channels sloped toward the channels not less than **one (1) inch** per foot and not more than **two (2) inches** per foot. All lift holes and joints between precast elements on sanitary sewer manholes shall be made with bitumastic material and/or mortar. No

visible signs of infiltration/inflow will be allowed. All cast iron frames, covers and steps shall conform to the requirements of grey iron castings ASTM A48. All frames and covers shall be provided with bolts for locking the manhole lid to the frame. No lids or frames with holes open to the inside of the manhole shall be allowed. Connection of Flexible Pipes to concrete sanitary manholes shall be with rubber connectors cast in the wall of the manhole. Manholes and catch basins to be constructed on "storm sewers" shall be constructed and installed in accordance with the Standard Specifications for Road and Bridge Construction in Illinois, adopted **July 1, 1976**.

**38-5-26**     **SIZE AND SLOPE OF BUILDING SEWER.** The size and slope of the building sewer shall be subject to the approval of the Director, but in no event shall the diameter be less than **six (6) inches**. The slope of such **six (6) inch** pipe shall be not less than **one-eighth (1/8) inch** per foot. For larger sizes of pipe, the minimum slopes shall be according to all state and local regulations.

**38-5-27**     **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to any bearing wall if within **three (3) feet** of any said wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction or grade shall be allowed only when a proper manhole is constructed at the location of the change.

**38-5-28**     **NO GRAVITY FLOW.** 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.

**38-5-29**     **DOWNSPOUTS.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**38-5-30**     **EXCAVATIONS FOR BUILDING SEWER.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village. Pipe laying and backfill shall be performed in accordance with ASTM Specifications (C12-59-T) (or most current ASTM Designation) except that no backfill shall be placed until the work has been inspected.

**38-5-31 PIPE JOINTS AND CONNECTIONS.** All pipe joints and connections shall be made gas tight and water tight. Acceptable pipe joint materials are listed in **Section 38-5-25** for each acceptable pipe material listed. Before the Village will accept the flow from any sewer system proposed to be discharged into the existing Village sanitary sewer system it shall be the responsibility of the owner of such system to satisfy the Director that the pipe line or lines are not subject to infiltration leakage in excess of **two hundred (200) gallons** per inch of pipe diameter per mile per day, and that no sources of surface inflow exist.

**38-5-32 BUILDING SEWER CONNECTION.** The connection of the building sewer into the public sewer shall be made at the "T" branch, if such branch is available at a suitable location. If no properly located "T" branch is available, the Village will install a "T" branch in the public sewer at the location specified by the Director at a cost of **Two Hundred Dollars (\$200.00)**. The Village only shall be authorized to make taps to the public sewer. Contractors shall be permitted to make taps to manholes. Manholes shall be constructed at any junction of an **eight (8) inch** diameter line or larger into a public sewer. Service connections made to plastic pipe shall be made by solvent welding a "T" to the outside of the pipe or by using a rubber gasketed saddle specially manufactured for plastic pipe. Service connections to clay, concrete pipe and ductal iron pipe shall be made with service saddle fitting specially manufactured for the type of pipe used.

**38-5-33 NOTIFICATION FOR INSPECTION.** The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by owner or owner's agent or Contractor under the supervision of the Director. The Village shall then make such tests as it deems necessary to insure that the sewer line is not subject to infiltration/inflow. The backfilling of the trench shall be made by the applicant under the inspection of the Director.

**38-5-34 BARRICADES AT EXCAVATIONS.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village, and any other governmental agency affected.

**DIVISION V - USE OF THE PUBLIC SEWERS**

**38-5-35**     **DISCHARGE OF STORM WATER INTO SEWER.** No person shall discharge or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-5-36**     **STORM SEWERS.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village and other agencies having lawful jurisdiction to a storm sewer, combined sewer, or natural outlet.

**38-5-37**     **PROHIBITED DISCHARGES TO SEWERS.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(C)           Any waters or wastes having a pH lower than **6.0**; higher than **9.0**; or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D)           Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**38-5-38**     **DISCHARGES PROHIBITED IF HARMFUL.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life,

limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited unless an exception is granted by the Village are:

(A) Any liquid or vapor having a temperature higher than **one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)]**.

(B) Any waters or wastes containing toxic or poisonous materials; no fats, oils, or greases of petroleum origin in excess of **100 mg/l** and no floating fats, oils, or greases from any source, which interfere with the operation of the sewage system or the sewage treatment facility.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower [.076 hp metric]** or greater shall be subject to the review and approval of the Village.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials. **(See Appendix No. 1)**

(F) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hg** at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(I) Any cyanide in excess of **0.025 mg/l** at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(J) Materials which exert or cause:

- (1) unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of

- dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; **(See Article IV of this Chapter for discharges.)**
  - (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. **(See Appendix No. 1.)**

(K) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

**38-5-39 ACTION BY VILLAGE BOARD.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-38** and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, **November 8, 1973** and any amendments thereto, and which, in the judgment of the Village, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- (A) reject the discharge of wastes to the public sanitary sewer and sewage treatment plant;
- (B) require pretreatment to an acceptable condition for discharge to the public sewers;
- (C) require control over the quantities and rates of discharge; and/or
- (D) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of **Section 38-5-45.**

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and subject to the requirements of all applicable codes, laws and regulations. The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to issuance of final approval by the Village.

**38-5-40 INTERCEPTORS.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.

**38-5-41 FACILITY MAINTENANCE.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**38-5-42 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner, at his expense, and shall be maintained by him in proper and satisfactory operating condition so as to be safe and accessible at all times. Where multiple process or discharges are present or contemplated at an industry, the Village shall have the authority to require the owner or person to furnish and install more than **one (1)** control manhole with appurtenances and/or require that all wastewater be discharged through a single control manhole or structure with appurtenances described herein.

**38-5-43 LABORATORY ANALYSES.** The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to demonstrate compliance with this Code and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year, the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by

the Village. The owner shall bear the expense of all measurements, analyses and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

**38-5-44 TESTING REQUIREMENTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved shall determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas ph's are determined from periodic grab samples.

**38-5-45 SPECIAL ARRANGEMENTS.** No statement contained in this Division shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, in accordance with this Chapter by the industrial concern. Provided, however, such payments shall be in accordance with Federal and State guidelines for User Charge System.

**38-5-46 - 38-5-49 RESERVED.**

**DIVISION VI****POWERS AND AUTHORITY OF INSPECTORS**

**38-5-50**     **INSPECTION AND TESTING.** The Public Works Director and duly authorized employees of the Village, the Illinois Environmental Protection Agency, the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village, or its representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

**38-5-51**     **OBSERVATION OF SAFETY RULES.** While performing the necessary work on private properties referred to in **Section 38-5-50** the Village or duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in **Sections 38-5-42 and 38-5-43.**

**38-5-52**     **PRIVATE PROPERTY INSPECTIONS.** The Public Works Director and duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-5-53 - 38-5-54**     **RESERVED.**

**DIVISION VII - PENALTIES**

**38-5-55** **PROTECTION FROM DAMAGE.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest and shall be fined not less than **Twenty-Five Dollars (\$25.00)** and no more than **Five Hundred Dollars (\$500.00)**.

**38-5-56** **PENALTY PRESCRIBED.** Any person found to be violating any provision of this Code except **Article IV** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Code or violation of regulations of other agencies having lawful jurisdiction. Upon revocation of any permit to discharge, the person violating this Code or regulation shall cease and desist discharge of wastewater or industrial waste to the public sewer system and treatment works, and shall not continue the discharge in any manner which would violate State, Federal or local pollution control laws and regulations.

**38-5-57** **CONTINUED VIOLATION.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-56** shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the amount not exceeding **Five Hundred Dollars (\$500.00)** for each violation. Each day on which any such violation shall continue shall be deemed a separate offense.

**38-5-58** **LIABLE TO VILLAGE.** Any person violating any of the provisions of this Article shall become liable to the Village by reason of such violation.

**ARTICLE VI - UTILITY EXTENSIONS**

**38-6-1**     **APPLICATION.** Any person within the service areas of the Utility Systems and desiring the extension of the mains to the premises shall make application therefor to the Water and Sewer Department, and in making the application, shall present a plat showing the area to be served by the main extension.

**38-6-2**     **SUBDIVISION CODE.** All water and sewer main extensions in the Village shall be made in accordance with the requirements of the Subdivision Code. Where, by reason of existing conditions no subdivision plat is otherwise required, the provisions of the Code pertaining to installation of water and sewer facilities shall nevertheless prevail and for the purpose of this Article, the person desiring the water and sewer extensions made shall be deemed the "Developer" including the responsibility for all costs, expenses, installation, designs, plans, plats, easements and inspection charges.

**38-6-3**     **OUTSIDE CORPORATE LIMITS.** The Sanitary Sewer Facilities shall not be extended to any territory outside of the Village limits except by and through the facilities of other governmental agencies having jurisdiction of such facilities by and with the approval and agreement of the Village Board of Trustees.

**38-6-4**     **PERPETUAL EASEMENTS.** The extension of the Village water mains in areas outside of the corporate limits within water service areas approved by the Village Board shall be subject to the same provisions applicable within the Village for water main extensions as above provided and in addition thereto the developer and applicant requesting such extension shall provide for the reservation of a perpetual easement for water mains as located     by a provision in the Owner's Certificate in the subdivision plat substantially as follows:

**“Expressly reserving to the dedicators, their heirs or assigns, the perpetual rights in said streets to lay, maintain, replace, repair, tap-on to and use water distribution mains, pipes, fire hydrants and appurtenance thereto.”**

**38-6-5**     **PRIVATE PROPERTY EASEMENTS.** To the extent that water or sewer mains pass through private property or to the extent that hydrants, valves, manholes or other installations are

made upon private property, easements for that purpose must be reserved and conveyed to the Village. Title to easements, pipes and entire distribution system shall be transferred and conveyed by written instrument to the Village as soon as the system is tested and approved and before water and sewer service is given through said facilities. The Village shall be furnished a plat showing the details of such facilities, as built. The developer or other persons installing such facilities shall warrant to the Village that they are the owners of said system; that the same are fully paid for and free of liens and that the facilities are in good operating order and free of leaks, infiltration or other defects of material and workmanship which may become apparent within one year thereafter.

**38-6-6 COST OF INSPECTION.** The initial cost and expense of installation of the water and sewer facilities shall be borne by the developer or other persons desiring such extensions. The Village will not reimburse any developer for any connections in the subdivision. Upon conveyance and acceptance, Bethalto shall become the owner of such facilities and undertake the obligation to maintain and repair said facilities for the usable life thereof. Bethalto shall supply water and sewer services to such facilities as may be available within its water or sewer system, but assumes no responsibility to any property owner or water user to maintain a constant supply at any given time. All connections to such extension shall be made and used in accordance with this Chapter, establishing water and sewer rates and conditions of use and **Articles IV and V**, establishing sewer user regulations and other or amended rates, charges and regulations applicable to other users of the same class. No service connection shall be made to any such water or sewer main extension until developer shall have complied with all of the provisions of this Chapter.