

CHAPTER 4

UTILITIES

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UTILITIES

DIVISION 1

SEWER SYSTEM

4-1-1

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this section shall be as follows:

(a) Federal Government

“Federal Act” means the Federal Clean Water Act (33 U.S.C. 466 et seq) as amended, (Public Law 95-217).

“Administrator” means the Administrator of the U.S. Environmental Protection Agency.

“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.

(b) State Government

“State Act” means the Illinois Anti-Pollution Bond Act of 1970.

“Director” means the Director of the Illinois Environmental Protection Agency.

“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 for making such grants as filed with the Secretary of State of the State of Illinois.

(c) Local Government

“Ordinance” means this ordinance.

“City” means the City of St. Elmo.

“Approving Authority” means the Superintendent of the Water and Sewer Department or such other person as designated by the City.

- (d) “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 entity.
- (e) “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 Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.
- (f) Clarification of word usage: “Shall” is mandatory; “may” is permissible.
- (g) Wastewater and its characteristics:

“Wastewater” shall mean the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

“Sewage” is used interchangeably with “wastewater”.

“Effluent Criteria” are defined in any applicable “NPDES Permit.”

“Unpolluted Water” is water quality equal to or better than the effluent criteria in effect of 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.

“ppm” shall mean parts per million by weight.

“Milligram per Liter” shall mean a unit of concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, “parts per million,” to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

“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 the IEPA Division of Laboratories Manual of Laboratory Methods.

“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 20 degrees Centigrade, expressed in milligrams per liter.

“TKN” (denoting Total Kjeldahl Nitrogen) shall mean the quantity of organic, ammonia and ammonium nitrogen as determined by standard laboratory procedures.

“pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food.

“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 inch (1.27 centimeters) in any dimension.

“Floatable Oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in and 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.

“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 100 gallons of sewage per day, containing 0.17 of BOD and 0.2 pounds of suspended solids.

“Sludge” 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 or flows during normal operation.

“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.

“Major Contributing Industry” shall mean an industrial user of the publicly-owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has, in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the

permit issuing authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have a 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.

Amended 04/05/2017

(h) Sewer types and appurtenances:

“Sewer” shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and groundwater drainage.

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

“Sanitary Sewer” shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters, or polluted industrial wastes are not intentionally admitted.

“Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

“Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, or 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.

“Storm water Runoff” shall mean that portion of the precipitation that is drained into the sewers.

“Sewerage” shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of sewage.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

(i) Treatment:

“Pretreatment” shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

“Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge.

The term is sometimes synonymous with “waste treatment plant” or “pollution control plant.”

“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.

(j) Watercourse and connections:

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(k) User types:

“User Class” shall mean the type of user – “residential,” “institutional/governmental,” “commercial,” or “industrial” as defined herein.

“Residential User” shall mean all dwelling units such as houses, mobile homes, apartments, or permanent multi-family dwelling units.

“Commercial User” shall include transit lodging, retail and wholesale establishments, or places engaged in selling merchandise or rendering services.

“Institutional/Governmental User” shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.

“Industrial Users” shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials or substances into products.

“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 City representative to sample and/or measure discharges.

(l) “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 4-1-9(o) and shall consist of the total or the Basic User Charge, the Local Capital Cost, and a Surcharge, if applicable.

“User Charge” shall mean a charge levied on users of treatment work for the cost of operation, maintenance, and replacement.

“Basic User Charge” shall mean the basic assessment levied on all users of the public sewer system.

“Debt Service Charge” shall mean the amount to be paid each billing period for payment of interest, principal, and coverage of loans and bonds outstanding.

“Capital Improvement Charge” shall mean a charge levied on users to improve, extend, or reconstruct the sewage treatment works.

“Local Capital Cost Charge” shall mean charges for costs other than operation, maintenance, and replacement cost; i.e., debt service and capital improvement costs.

“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 in Section 4-1-9(e).

“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 are designed and constructed. The term “operation and maintenance” includes replacement.

“Useful Life” shall mean the estimated period during which the collection system and/or treatment works will be operated.

“Sewerage Fund” is the principal accounting designation for all revenues received in the operation of the sewerage system.

4-1-2

USE OF PUBLIC SEWER REQUIRED

- (a) 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 City of St. Elmo, or in any area under jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the City of St. Elmo, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Code.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sewage.

- (d) The owners of all houses, buildings, or other properties used for human occupancy, employment, recreation, or other purposes situated within the City of St. Elmo 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 City, is hereby required, at the owner's 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 Code, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property.

4-1-3

PRIVATE SEWAGE DISPOSAL

- (a) Where a public sanitary sewer is not available under the provisions of Section 4-1-2 of this Code, the building sewer shall be connected to a private sewage disposal system in compliance with the provisions of this Section.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City approving authority. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement with any plans, specifications, and other information as deemed necessary by the City approving authority. A permit and inspection fee of \$25.00 shall be paid to the City at the time the application is filed.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and the applicant for the permit shall notify the City when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the City.
- (d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 4-1-2, a direct connection shall be made to the public sewer in compliance with this Code. Any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City.
- (g) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Fayette County Health Department or by the City of St. Elmo.
- (h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

4-1-4

BUILDING SEWERS AND CONNECTIONS

- (a) No unauthorized person shall uncover, make any connections with or openings into; use; alter; or otherwise disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City of St. Elmo.
- (b) All disposal by any such 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.
- (c) There shall be two (2) classes of building sewer permits: (a) for residential wastewater service, and (b) to commercial, institutional/governmental, or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the City of St. Elmo.

The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the City of St. Elmo. A permit and inspection fee of \$25.00 for a residential or commercial building sewer shall be paid to the City of St. Elmo at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

- (d) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (e) 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 City of St. Elmo from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- (f) A separate and independent building sewer shall be provided for every building, except that where one 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 building sewer.
- (g) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City of St. Elmo, to meet all requirements of this Ordinance.
- (h) 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 back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of St. Elmo. 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 Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- (i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with 4-1-4(b), and discharged to the building sewer.
- (j) No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (k) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City of St. Elmo, or the procedures as set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City of St. Elmo. All connections must be made by a licensed plumber or other qualified person approved by the Superintendent at the time of obtaining the permit. All connections and materials must be made in conformity with specifications set forth above and approved by the Superintendent. Said specifications will be

made available to the public and all interested persons at the City Hall, St. Elmo, Illinois. Amended November 7, 2018

- (l) The applicant for the building sewer permit shall notify the City of St. Elmo when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City of St. Elmo or its representative.
- (m) All excavations for building sewer installation 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 City of St. Elmo.

4-1-5

USE OF THE PUBLIC SEWERS

- (a) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) Storm water 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 City of St. Elmo. Industrial cooling water or unpolluted process waters may be discharged on approval of the City of St. Elmo to a storm sewer or natural outlet.
- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) 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.

- (d) 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 City of St. Elmo 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 City of St. Elmo will 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 are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
- (2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150°F), (0° and 65°C).
- (3) 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 (0.76 hp metric) or greater shall be subject to the review and approval of the City of St. Elmo.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City of St. Elmo for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City of St. Elmo 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.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City of St. Elmo in compliance with applicable State or Federal regulations.
- (8) Any wastes or waters having a pH in excess of 9.5.
- (9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the City of St. Elmo in compliance with applicable State and Federal regulations.
- (10) Any cyanide in excess of 0.1 mg/l at any time except as permitted by the City of St. Elmo in compliance with applicable State and Federal regulations.
- (11) Materials which may exert or cause:
 - (A) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (B) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (C) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - (D) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein
- (12) 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 degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (e) 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 4-1-5(d), and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978, and any amendments thereto, and which in the judgment of the City of St. Elmo 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 City of St. Elmo may;

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) require control over the quantities and rates of discharge; and/or
- (4) 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 4-1-5(k).

If the City of St. Elmo 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 City of St. Elmo, and subject to the requirements of all applicable codes, ordinances, and laws.

- (f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City of St. Elmo, 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 City of St. Elmo and shall be located as to be readily and easily accessible for cleaning and inspection.
- (g) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at its expense.
- (h) Each industry shall be required to install a control manhole and, when required by the City of St. Elmo, 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 City. The manhole shall be installed by the owner at its expense, and shall be maintained by it so as to be safe and accessible at all times.
- (i) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analysis of waters and wastes to illustrate compliance with this Ordinance and

any special conditions for discharge established by the City of St. Elmo or regulatory agencies having jurisdiction over discharge.

The number, type, and frequency of laboratory analysis to be performed by the owner shall be stipulated by the City of St. Elmo, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure the compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the City of St. Elmo at such times and in such manner as prescribed by the City of St. Elmo. The owner shall bear the expense of all measurements, analysis, and reporting required by the City of St. Elmo. At such times as deemed necessary, the City of St. Elmo reserves the right to take measurements and samples for analysis by an outside laboratory service.

- (j) All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said 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 will 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 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.
- (k) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City of St. Elmo and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of St. Elmo for treatment, subject to payment therefore, in accordance with Chapter 00, Article I hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

4-1-6

PROTECTION OF SEWAGE WORKS 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 under charge of disorderly conduct.

4-1-7

POWERS AND AUTHORITY OF INSPECTORS

- (a) The Superintendent of Water and Sewers and other duly authorized employees of the City of St. Elmo, the Illinois Environmental Protection Agency, and the U. S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent of Water and Sewers or his 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 seers or waterway or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in Section 4-1-7(a) above, the Superintendent of Water and Sewers, 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 City of St. Elmo employees and the City of St. Elmo shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in Section 4-1-5(i).
- (c) The Superintendent of Water and Sewers and other duly authorized employees of the City of St. Elmo bearing proper credentials and identification shall be permitted to enter all private properties through which the City of St. Elmo 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

4-1-8

PENALTIES

- (a) Any person found to be violating any provision of this Ordinance, except Section 4-1-6, shall be served by the City of St. Elmo 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 City of St. Elmo may revoke any permit for sewage disposal as a result of any violation of any provision of this Ordinance.
- (b) Any person who shall continue any violation beyond the time limit provided for in Section 4-1-8(a) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than One Hun-

dred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Amended April 5, 2010; Amended October 5, 2011

- (c) Any person violating any of the provisions of this Ordinance shall become liable to the City of St. Elmo by reasons of such violation.

4-1-9

WASTEWATER SERVICE CHARGES

- (a) Basis for wastewater service charges: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City of St. Elmo shall consist of a basic user charge, a debt service charge, a capital improvement charge, and applicable surcharges.
- (b) The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M &R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:
- (1) A five-day, 20-degree Centigrade biochemical oxygen demand (BOD) of 240 mg/l.

(2) A suspended solids (SS) content of 280 mg/l.

(3) A total kjeldahl nitrogen (TKN) content of 50 mg/l.

The basic user charge shall be computed as follows:

- (1) Estimate the annual wastewater volume, pounds of BOD, pounds of SS and pounds of TKN to be treated.
- (2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.
- (3) Proportion the estimated O, M & R costs to each user class by volume, BOD, SS and TKN.
- (4) Proportion the estimated O, M & R costs to wastewater facility categories by volume, BOD, and SS and TKN.
- (5) Compute costs per 1,000 gallons for normal domestic strength sewage.
- (6) Compute surcharge costs per pound for BOD, SS and TKN concentrations in excess of normal domestic strengths.

- (c) The debt service charge is computed by apportioning the annual debt service (as a charge per 1,000 gallons).
- (d) The capital improvement charge is levied on users to provide for capital improvements, extensions, or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued (as a charge per 1,000 gallons).
- (e) A surcharge will be levied to all users whose wastes exceed the normal domestic concentrations of BOD (240 mg/l) and SS (280 mg/l) and TKN (50 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the 240 mg/l, 280 mg/l and 50 mg/l concentrations for BOD, SS and TKN respectively.

Amended 08/05/2017

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City of St. Elmo and shall be binding as a basis for surcharges.

- (f) The adequacy of wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the City of St. Elmo in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.
- (g) The users of the wastewater treatment services shall be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance, and replacement.
- (h) Measurement of flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.
 - (1) If the entity discharging wastes into the public sewers procures any, part, or all of its water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, the entity shall install and maintain, at its expense, water meters of a type approved by the City of St. Elmo for the purpose of determining the volume of water obtained from these other sources.

(2) Devices for measuring the volume of waste discharged may be required by the City of St. Elmo if these volumes cannot otherwise be determined from the metered water consumption records.

(3) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the entity. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the City of St. Elmo.

(i) Basic User Charge: There shall be and there is hereby established a basic user charge effective June 1, 2025 of \$4.49 per 1000 gallons of metered water consumption to be applied to all users to recover O, M & R costs.

Revised 5/6/13, 6/1/2016, 6/1/2025

(j) Debt Service Charge: There shall be and there is hereby established a debt service charge effective June 1, 2025 of \$0.22 per 1,000 gallons to each user of the waste water facility.

Revised 5/6/13, 6/1/2016, 6/1/2025

(k) Capital Improvement Charge: There shall be and there is hereby established effective June 1, 2025 a capital improvement charge of \$0.29 per 1,000 gallons to each user of the waste water facility.

Revised 5/6/13, 6/1/2016, 6/1/2025

(l) Rates: The following rates are established effective June 1, 2025 the minimum charge will be \$12.16 per month. These rates shall be applied to all users whose water consumption does not exceed 1,500 gallons per month. This minimum charge consists of \$8.90 for O, M & R costs, \$2.56 for debt service costs, and \$0.70 for capital improvements costs.

Revised 6/7/04; 11/06/07; 5/6/13, 6/1/2016, 6/1/2025

Effective June 1, 2025 said rate shall be \$5.00 per 1,000 gallons. The rate consists of \$4.49 for O, M & R costs, \$0.22 for debt service costs, and \$0.29 for capital improvements.

Revised 5/6/13, 6/1/2016, 6/1/2025

All current municipal system users located outside the corporate limits of the City of St. Elmo shall be billed at one and one-half (1 ½) times the rate set for St. Elmo residents.

(m) Effective June 1, 2025 all non-metered residential users of the wastewater facilities shall pay a flat rate charge of \$14.66 per month. The flat rate charge consists of \$11.15 for O, M & R, and \$2.67 for debt service costs and \$0.84 for capital improvements costs. The flat rate charge will allow a maximum of 2,000 gallons per month.

Revised 4/7/08; 5/6/13, 6/1/2016, 6/1/2025

In the event use of the wastewater facilities is determined by the City of St. Elmo to be in excess of 2,000 gallons per month, the City of St. Elmo may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

Revised 4/7/08; 5/6/13, 6/1/2016

- (n) Surcharge rates: The rates of surcharges for BOD, SS and TKN shall be as follows:

Per pound of BOD: \$1.32
Per point of SS: \$1.32
Per Pound of TKN: \$1.32

Revised 4-4-2005; Amended 08/05/2017

- (o) Computation of Wastewater Service Charge: The wastewater service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu - X)CU + CS$$

Where CW = amount of wastewater service charge (\$) per billing period

CC = Capital Improvement Charge (Section 4-1-9(k))

CD = Debt Service Charge (Section 4-1-9(j))

CM = Minimum Charge for Operation, Maintenance, and Replacement (Section 4-1-9 (l))

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum Charge (Section 4-1-9(l))

CU = Basic User Charge for Operation, Maintenance, and Replacement (Section 4-1-9(i))

CS = Surcharges, if applicable (Section 4-1-9(n))

4-1-10

BILLING PROCEDURES

- (a) Bills: Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City of St. Elmo only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefore to the City of St. Elmo.

Bills for sewer service shall be sent out by the City of St. Elmo Treasurer on the first day of the month or quarter succeeding the period for which the service is billed.

All sewer bills are due and payable 17 days after being sent out. A penalty of ten percent (10%) shall be added to all bills not paid by the 17th day after they have been rendered.

- (b) Delinquent Bills: If the charges for such services are not paid within 27 days or 27 days herein abovementioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.
- (c) Lien-Notice of Delinquency: Whenever a bill for sewer service remains unpaid for 90 days for monthly service, the City of St. Elmo Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City of St. Elmo claims alien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the City of St. Elmo has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, whenever such bill remains unpaid for the period of 45 days for a monthly bill or for a quarterly bill after it has been rendered.

The failure of the City of St. Elmo Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not effect the right to foreclose the lien for unpaid bills as mentioned in the foregoing Section.

- (d) Foreclosure of Lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay for the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the City of St. Elmo in any Court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days in the case of a monthly bill or 105 days in the case of a quarterly bill after it has been rendered.
- (e) Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the City of St. Elmo Treasurer separate and apart from his private funds and separate and apart from all other funds of the City of St. Elmo and all of said sum, without any deductions whatever, shall be delivered to the City of St. Elmo 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 Mayor of St. Elmo and Council of the City of St. Elmo. The City of St. Elmo Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the opera-

tion of such system as the same may be delivered to him and deposit the same in the amount of the fund designated as the "Sewerage Fund of the City of St. Elmo." Said Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

- (f) Accounts: The City of St. Elmo Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular 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 sewerage system.

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 do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
 - (2) Billing data to show total number of gallons billed per fiscal year.
 - (3) Debt service for the next succeeding fiscal year.
 - (4) Number of users connected to the system.
 - (5) Number of non-metered users.
 - (6) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.
- (g) Penalty: Any person, firm, or corporation violating any provision of this Section shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Amended April 5, 2010; Amended October 5, 2011
- (h) Access to Records: The IEPA or its authorized representative shall have access to any books, documents, papers, and records of the City of St. Elmo which are applicable to the City of St. Elmo system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to insure compliance with the terms of (*Special and General Conditions to any State grant*) (*Federal Regulations and conditions of the Federal grant*) (*Loan Agreement and Rules of any State loan*). Re-

DIVISION 2
WATER SYSTEM

4-2-1 DEFINITIONS

When used in this Division the following terms and phrases shall mean the following.

“SUPERINTENDENT”: The Superintendent of Water and Sewer of the City of St. Elmo.

“WATER SYSTEM”: The entire water distribution system of City, including all parts thereof necessary to transmit water from the source of supply to the user thereof, including the treatment of said water.

4-2-2 APPLICATION FOR SERVICE

Except as herein otherwise provided, no water shall be supplied by city to any person, nor shall any connection be made to the Water System, either directly or indirectly, except in conformity with the provisions of this Division and upon written application therefor made to the Treasurer upon a form to be supplied by the Treasurer. The application shall state the name of the applicant, the premises to be served and state the use for which the water is to be supplied. Such water shall be supplied only through meters, which shall be furnished by and remain the property of city.

The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City of St. Elmo only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefore to the City of St. Elmo. Revised 6-2-2003

4-2-3 CONNECTION FEES

Before any connection for water service is made, except as otherwise provided in this Section, the following fee shall be paid to the City Collector.

- 1.) 3/4" Water Hook Up (inside and outside city limits) \$750.00
- 2.) 1" Water Hook Up (inside and outside city limits) \$850.00

Said fee shall pay for the connection with the water system, installation of service line to the property line (provided that if the length of such service line is in excess of 70 feet an additional charge will be made), service meter, and shut-off valve.

Revised 7-3-1995, Amended November 7, 2018

4-2-4 CONTRACT WATER MAINS

No contract water main shall be connected to the water system of the City nor shall any contract for the acquisition thereof be approved unless such contract provides that said contract water main and all connections thereto and extensions thereof shall be controlled by the City, that title to said contract water main shall vest in the city upon the connection of said contract water main with the water system of the City and that all easements and right-of-way necessary to the construction and maintenance of said contract water main shall be taken in the name of City.

4-2-5 DEPOSIT REQUIRED

A meter deposit shall be required of all water customers who are renters or lessees. The fee for said water deposit shall be as determined by the water and sewer committee from time to time with the consent and approval of the City Council and set forth in a schedule made available to the public at the City Hall. Such deposit shall be applied to any bill for water service delinquent more than thirty (30) days. When service to the applicant is discontinued permanently his deposit, less any amount still due City for water service shall be refunded without interest; provided, that where any applicant for water service is the owner of the premises to be served no such deposit shall be required.

4-2-6 RULES AND REGULATIONS FOR USE

All water supplied to any person and all applications therefor, shall be upon and subject to the following conditions, rules and regulations.

- (1) City shall not be liable, nor shall any claim be made against it for any injury for damage to any person or property caused in whole or in part by or resulting from the breaking of any part of the water system (including but not limited to mains, pipes, lines, hydrants, meters, apparatus and appurtenances connected to the water system), not for interruption or stoppage of water service for any reason or for any cause whatsoever.
- (2) City employees and duly authorized agents shall have free access to the premises, places for building where meters are located for the purpose of reading, examining, testing and repairing the same and examining and testing the consumption, use and flow of water, and determining that all connections to the water supply system are properly made and in conformity with the provision of the Division;
- (3) No person shall interfere with, prevent, or obstruct the city, its employees or duly authorized agents in and about the performance of their du-

ties and responsibilities in connection with the operation of the water system.

- (4) Except as may be otherwise provided by contract approved by the City Council, or upon written permit after application therefor, no water supplied by City shall be resold or distributed by the recipient thereof to any premises other than for which application had been made and meter installed;
- (5) City may shut off water at any time in the mains in order to repair, clean, connect with, or replace, improve and extend the water system, or to concentrate water in any part of City in case of fire or other emergency, and may restrict the use of water in case of deficiency of supply;
- (6) City may suspend all non-essential uses of water, such as washing vehicles, filling and supplying swimming or wading pools, sprinkling lawns or gardens, by way of illustration and not of limitation, whenever in the opinion of the City Council the public interest and welfare requires such action;
- (7) Separately owned or occupied premises shall be supplied by separate connections to the water system and shall have separate meters except as may be otherwise, by contract, approved by the City Council.
- (8) Where one service pipe supplies two or more consumers in a single building, one meter may be placed at the service connection for such building and the water rate charged for water registered by such meter shall be paid by the owner of such building;

4-2-7

CONSTRUCTION PERMITS

Persons desiring to use water supplied by City for building or construction purpose shall make written application to the City Treasurer; permits for such use shall be granted and issued by the superintendent in accordance with rules established by the Department.

4-2-8

RATES

Monthly water use fees for the gallons of water utilized per month, and size of meter, shall be:

<u>Meter Size:</u>	<u>Water Rate Charges:</u>
5/8" meter	\$ 9.00 minimum plus .95 per 100 gal.
3/4" to 1 1/2" meter	\$13.00 minimum plus .95 per 100 gal.
2" meter	\$25.00 minimum plus .95 per 100 gal. for first 1,000,000 gal. All usage over 1,000,000 gallons shall incur .82 per 100 gal

All municipal system users located outside of the City limits shall be billed at one and one-half (1 1/2) times the gallons rate set for St. Elmo residents \$1.43.

Revised 5/6/02; 9/4/07; 6/1/09; 7/1/13, 7/7/2014, 9/7/2016, 11/1/2017, 7/5/18, 7/3/2019, 7/7/2021, 5/4/2022, 6/5/2024

4-2-9

METER FAILURE - RATE

If any meter owned by city fails to properly register the amount of water passing through the same, the consumer shall be charged at the rate shown for the corresponding billing period of the previous year under like conditions. If no previous use record exists, or conditions were then substantially dissimilar, the Superintendent shall estimate, after considering all the circumstances, the amount of water consumed during the period such meter failed to register properly, and the consumer shall be billed in accordance with such estimate.

4-2-10

PAYMENT

All bills for the above services shall be rendered as of the first day of the month succeeding the month in which the services are rendered and shall be due and payable to the City of St. Elmo at the City Office, not later than the 17th day of the month (or by the next business day if the 17th is Sunday or a legal holiday) shall be delinquent and subject to a penalty assessment of 10% which shall be added to the bill.

4-2-11

CONNECTION AND DISCONNECTION TO WATER SYSTEM

- (a) CONNECTION. No premises shall be connected to the City water system except by the supervisor of the Water Department or some person authorized by the supervisor to perform that service. No premises shall be connected to the City water system until all delinquent water bills for that premises have been paid. A connection fee of \$25.00 will be charged for reconnecting service if disconnection resulted from non-payment. An after-hours service fee will be charged for any connection to the City water system other than normal working hours (8:00 a.m. until 3:30 p.m. on regular business days of the City of St. Elmo).
- (b) DISCONNECTION. The water supply to any premises may be disconnected from the City system for any violation of the provisions of this Division, including failure to pay for prior service or to pay outstanding fees after the due date for such payment. A \$25.00 after-hours service fee shall be charged to any customer who requests disconnection from the City system at times other than normal working hours of 8:00 a.m. until 3:30 p.m. on regular business days of the City of St. Elmo.
- (c) RECONNECTION. Any City of St. Elmo water customer whose service has been terminated due to non-payment will have service re-established only after a deposit equal to two times the applicable cus-

tomers' past average monthly user bill has been received. This deposit is required in addition to payment of any delinquent amount outstanding and a reconnect fee as follows:

First disconnect:	\$ 25.00
Second disconnect:	\$ 50.00
Third disconnect:	\$ 75.00
Fourth disconnect:	\$100.00

The reconnection fee will be increased by \$25.00 for each subsequent disconnect. Service will be reconnected only after all of the aforementioned payments have been received by the City. Revised 8-5-2002, 9-6-2008

4-2-12

MUNICIPAL WATER

Charges for services of the combined system shall be lien upon the premises served. Whenever a bill for service remains unpaid thirty (30) days after its due date, the Treasurer may file with the Recorder of the County in which the premises be situated, a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, the date when such amount became delinquent, and a notice that City claims a lien for this amount as well as for all charges for service subsequent to the period by the bill. If the user whose bill is unpaid is not the owner of the premises, and the Treasurer has notice of this, then notice shall be mailed to the owner of the premises, if this address is known to the Treasurer whenever such bills remain unpaid for a period of thirty (30) days after due date. The failure of the Treasurer to record such lien claim or to mail such notice, shall not affect the right to foreclose the lien for unpaid bills.

4-2-13

FORECLOSURE OF LIEN

Property subject to a lien for unpaid water charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of stationary liens. Such foreclosures shall be by fill in equity in the name of City.

4-2-14

PENALTY

That any person, persons, firm or corporation that violates any provision of this Ordinance shall, upon conviction, be fined in any sum not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Amended April 5, 2010; Amended October 5, 2011

4-2-15

CUMULATIVE EFFECT

The remedies and penalties provided in this Division for violation thereof shall be cumulative in effect, and the selection or assessment of any remedy or penalty hereunder shall not preclude the selection or assessment of other remedies or penalties for the same violation. In addition to the remedies and

penalties particularly provided herein City also may sue in a civil action to recover the amount due for services rendered, plus a reasonable attorney's fee to be fixed by the Court, provided however, that any judgment in such civil action operates as a waiver and release of the lien aforesaid for the amount of the judgment.

4-2-16 MASTER METER INSTALLATION

The City Council, by resolution, may authorize the installation and use of a single master water meter for any customer who owns and maintains a water distribution system to which are connected two or more water use units.

4-2-17 LIABILITY

The owner of the premises where water or sewerage service is furnished, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the services furnished to the premises and said service shall be furnished to the premises by the City of St. Elmo only upon the condition that such liability is assumed.

4-2-18 HOOK-UPS

All hook-ups, tap-ins, and the materials used therein shall be in conformity with specifications made by said Superintendent. Said specifications will be made available to the public and all interested persons at the City Hall in St. Elmo, Illinois.

4-2-19 CITY RESPONSIBILITIES

The City shall be responsible for and shall make hook-ups and tap-ins, including the laying of the line up through the meter and the City thereafter will maintain said line up through the yoke.

4-2-20 LINE REQUIREMENTS

The City shall not be responsible for installation of any lines in excess of one inch (1) in diameter; industrial and commercial lines; and lines involving multiple users. The City shall be responsible for making all taps on all lines. The City shall be reimbursed by the owner for all expenses incurred in the installation of any line where said expenses are in excess of the scheduled fees. Provided, however, that if the City, in its discretion, determines that it must hire or contract for outside services in the laying of any line, then it may do so at the owner's expense, or, in the alternative, the owner may contract for said outside services at his expense. However, in either instance, all lines, hook-ups and tap-ins will be subject to inspection and approval by the Superintendent of the Water and Sewer Department or his authorized agent.

Revised 7-3-1995

4-2-21 CITY MAINTENANCE

The City will also begin maintaining all existing waterlines from the water main through the yoke, and where said lines have been damaged or become

damaged in the future by person or persons other than the City or its employees, all repairs shall be made at the owner's expense by the City. Any person or persons violating this Ordinance or any provision thereof shall be punished by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Amended April 5, 2010; Amended October 5, 2011

4-2-22

CROSS-CONNECTION

- (1) That all plumbing installed within the City of St. Elmo, Illinois Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the Judgment of the Superintendent of Water, an approved back flow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will 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 Public Code, Illinois Environmental Protection Agency and local regulations.
- (2) That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City of St. Elmo may enter the supply or distribution system of said municipality, 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 of Water and the Illinois Environmental Protection Agency.
- (3) That it shall be the duty of the Superintendent of Water 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 years, or as often as the Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.
- (4) That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City of St. Elmo for the purpose of verifying the presence or absence of cross-connections, and that the presence or absence of cross-connections, and that the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connec-

tion to the public water supply or distribution system of the City of St. Elmo for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water 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 Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.

- (5) That the Superintendent of Water of the City of St. Elmo 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 ordinance 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 ordinance, and until a reconnection fee of \$25.00 is paid to the City of St. Elmo. Immediate disconnection with verbal notice can be effected when the Superintendent of Water 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 Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Superintendent of Water, or its agents or assigns shall be liable to any customer from any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.
- (6) That the consumer responsible for back siphoned or back pressured material or contamination through back flow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.