

TITLE V: PUBLIC WORKS

Chapter

- 50. GAS SERVICE
- 51. SEWERS
- 52. PUBLIC RIGHTS-OF-WAY  
APPENDIX: STANDARDS
- 53. MUNICIPAL WATER SYSTEM

TUSCOLA - PUBLIC WORKS

## Section

- 50.01 Gas installations; service connections
- 50.02 Prohibition

§ 50.01 GAS INSTALLATIONS; SERVICE CONNECTIONS.

All gas installations and gas service connections shall be made in accordance with the rules and regulations duly adopted by the city.

§ 50.02 PROHIBITION.

It shall be unlawful to willfully remove, destroy, or carry away any cap or lid connected with or attached to the water service or sewage or drainage system of the city or the service box of gas companies placed upon sidewalks or public grounds of the city.

('69 Code, § 18-25) Penalty, see § 10.99

Cross-reference:

Sewers and drains, see § 51.98



## Section

- 51.01 Definitions
- 51.02 Use of public sewers required
- 51.03 Private sewage disposal
- 51.04 Building sewer permits
- 51.05 Costs
- 51.06 Separate sewers required; exception
- 51.07 Old sewers
- 51.08 Building sewer specifications
- 51.09 Downspout connections
- 51.10 Excavations
- 51.11 Joints and connections
- 51.12 Connection to public sewer
- 51.13 Manhole connections prohibited
- 51.14 Inspection, supervision of connections
- 51.15 Excavation barricades required
- 51.16 Sewer metering for certain commercial establishments
- 51.17 Miscellaneous provisions

Public Sewers

- 51.20 Storm water; unpolluted drainage
- 51.21 Prohibited wastes
- 51.22 Harmful wastes; regulations
- 51.23 Industrial wastes; pretreatment
- 51.24 Harmful wastes
- 51.25 Interceptors
- 51.26 Pretreatment facilities
- 51.27 Manhole installations
- 51.28 Measurements; tests; analyses
- 51.29 Industrial wastes; special agreements
- 51.30 Inspectors
- 51.31 Pretreatment

Charges

- 51.40 User charge
- 51.41 Termination, transfer of service
- 51.42 Estimated charges
- 51.43 Late payment penalty
- 51.44 Rates
- 51.45 Security deposit
- 51.46 Annual review of rates

Hearing Board

- 51.50 Hearing board
- 51.98 Prohibitions
- 51.99 Penalty

Cross-reference:

Superintendent of Water Pollution Control, see § 31.50

§ 51.01 DEFINITIONS.

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

"ACT." The Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

"ADMINISTRATOR." The administrator of the U.S. Environmental Protection Agency.

"B.O.D." (biochemical oxygen demand) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C. expressed in milligrams per liter.

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

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

"COMBINED SEWER." A sewer receiving both surface runoff and sewage.

"COMPATIBLE POLLUTANT." Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit.

"DIRECTOR." The chief administrative officer of a state water pollution control agency or interstate agency. In the event responsibility for water pollution control and enforcement is divided among two or more state or interstate agencies, "DIRECTOR" means the administrative officer authorized to perform the particular procedure to which reference is made.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"FEDERAL GRANT." 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.

"FLOATABLE OIL." Oil, fat or grease in a physical state such that it will separate by gravity from waste water by treatment in an approved pretreatment facility. Waste water shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection system.

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

"HEARING BOARD." That Board appointed according to provision of § 51.50.

"INCOMPATIBLE POLLUTANT." Any pollutant which is not a compatible pollutant as defined above.

"INDUSTRIAL USER." Any nongovernmental user of publicly-owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A Agriculture, forestry, and fishing.
- (2) Division B Mining.
- (3) Division D Manufacturing.
- (4) Division E Transportation, communications, electric, gas, and sanitary services.
- (5) Division I Services.

A user in the divisions listed may be excluded if it is determined by the Superintendent that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

"INDUSTRIAL WASTES." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307 (a) of the Act; or
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

"MILLIGRAMS PER LITER." A unit of the concentration of water or waste water constituent. It is 0.001 gram of the constituent in 1,000 milliliters 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 waste water analysis.

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

"NPDES PERMIT." Any permit or equivalent document or requirements issued by the administrator, or, where appropriate 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 Act.

"pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"ppm." Parts per million by weight.

"POPULATION EQUIVALENT." 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 pound of B.O.D. and 0.2 pound of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three parameters. Impact on a stream is the higher of the B.O.D. and suspended solids parameters.

"PRETREATMENT." The treatment of waste waters from sources before introduction into the waste water treatment works.

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

"PUBLIC SEWER." A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"REPLACEMENT." Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service 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.

"RESIDENTIAL, COMMERCIAL OR NONINDUSTRIAL USER." Any user of the treatment works not classified as an industrial user or excluded as an industrial user as defined above.

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

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

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

"SEWAGE WORKS." All facilities for collection, pumping, treating, and disposing of sewage.

"SEWER." A pipe or conduit for carrying sewage.

"SLUG." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"STORM DRAIN" or "STORM SEWER." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"SUPERINTENDENT." The Superintendent of Water Pollution Control of the City of Tuscola or his authorized deputy, agent, or representative.

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

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

"USEFUL LIFE." The estimated period during which the treatment works will be operated and shall be 20 years from the date of start-up of any waste water facilities constructed with a federal grant.

"USER CHARGE." A charge levied on users of treatment works for the cost of operation and maintenance including replacement and the cost of any bond debt of such works.

"USER CLASS." The type of user, either residential or commercial or industrial, as defined above.

"WASTE WATER." 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 ground water, surface water, and storm water that may be present.

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

"WASTE WATER TREATMENT WORKS." An arrangement of devices and structures for treating waste water, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "waste water treatment plant" or "pollution control plant."

"WATERCOURSE." A channel in which a flow of water occurs either continuously or intermittently.  
(Ord. 75-0-2, passed 4-28-75)

#### § 51.02 USE OF PUBLIC SEWERS 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, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge into any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) 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.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is 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 chapter, within 90 days after date of official notice to do so, provided the public sewer is within 100 feet of the property line.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### Cross-reference:

Garbage and trash, see  
§ 136.35 et seq.

Health nuisances, see § 136.30

§ 51.03 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall obtain a written permit signed by the Superintendent. The application for the permit shall be made on a form furnished by the city, which shall be supplemented by any plans, specifications, and other information deemed necessary by the Superintendent of Water Pollution Control. The permit and inspection fee shall be paid to the City Clerk 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 Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 60 hours of the receipt of notice by the Superintendent. A permit inspection fee of \$25 for a private sewage disposal system shall be paid to the City Clerk at the time the application is filed.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Illinois. 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 a size suitable for installation of an effective system. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

(E) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(F) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in division (D) above, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(G) When a public sewer becomes available, the building sewer shall be connected to that sewer within 60 days and the private sewage disposal system shall be

cleaned of sludge and filled with clean bank-run gravel or dirt.

(H) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health office of the city or the State of Illinois Environmental Protection Agency or the U.S. Environmental Protection Agency.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

Cross-reference:

Superintendent of Water Pollution Control, see § 31.75

§ 51.04 BUILDING SEWER PERMITS.

(A) There shall be two classes of building sewer permits:

- (1) For residential and commercial service, and
- (2) For service to an industrial user.

(B) In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$250 for a residential single-family unit and an additional fee of \$40 for each living unit including motels shall be charged. A commercial building sewer permit fee shall be \$300 and an industrial building sewer permit shall be \$500. All fees shall be paid to the City Clerk at the time of application.

(C) 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.

(1) 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 illustrate compliance with this chapter and any special conditions for discharge established by the city or regulatory agencies having jurisdiction over the discharge.

(2) The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the city, 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 city at such times and in such a manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary the city reserves the right to take measurements and samples for analysis by an outside laboratory service.

(Ord. 75-0-2, passed 4-28-75; Am. Ord. 89-0-8, passed 9-25-89; Am. Ord. 2002-0-5, passed 5-13-02) Penalty, see § 51.99

#### § 51.05 COSTS.

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 from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 75-0-2, passed 4-28-75)

#### § 51.06 SEPARATE SEWERS REQUIRED; EXCEPTION.

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

(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.07 OLD SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.08 BUILDING SEWER SPECIFICATIONS.

(A) The building sewer shall be cast iron soil pipe ASTM Specification (A74) or equal; or vitrified clay sewer pipe, ASTM Specification (C-130) or equal. Polyvinyl chloride (PVC) pipe conforming to ASTM Specifications D-2672, D-2729, D-3033 or D-3034 with joints conforming to ASTM D-2564 or D-1869 and Acrylonitrile-Butadiene-Styrene (ABS) pipe conforming to ASTM D-2680 with Type SC or OR joints will be acceptable materials. Joints shall be tight and waterproof.

(B) Any part of the building sewer that is located within ten feet of a water service pipe shall be laid in a separate trench and at such an elevation that the top of the sewer is at least 18 inches below the bottom of the water service pipe. If it is

impossible to obtain a horizontal separation of at least ten feet, and a vertical separation of at least 18 inches, as stipulated above, the sewer shall be constructed of mechanical or slip-on joint cast-iron pipe, and be pressure tested to assure water tightness.

(C) Cast-iron pipe with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots.

(D) The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall be not less than one foot per 100 feet. For larger sizes of pipe, the minimum slopes shall be according to all state and local regulations. Four-inch diameter building sewer may be used provided that:

(1) A 6x4 reducer is installed at the service connection;

(2) It is installed at a slope of not less than one foot per 100 feet; and

(3) Serves a single-family dwelling. Multiple-housing units, commercial and industrial building sewers shall be not less than six-inch diameter.

(E) 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 feet of such 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.

(F) 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.

(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.09 DOWNSPOUT CONNECTIONS.

No person 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.

(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.10 EXCAVATIONS.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specification (C12-58-T) (or most current ASTM designation) except that no backfill shall be placed until the work has been inspected.

(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.11 JOINTS AND CONNECTIONS.

(A) All joints and connections shall be made gastight and watertight. All cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-L-156) (or most current federal specification) not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

(B) All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured pointing material, approved rubber gaskets, oakum and Sewertite, Am-Vit, or an approved equal method and material.

(C) Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160°F., nor be soluble in any of the wastes carried by the drainage system. The joint shall be caulked tight with jute, hemp, or similar approved material. Other jointing materials and methods may be used only by approval of the Superintendent.

(D) PVC and ABS pipe joints shall be as specified in § 51.08(A). Connection of PVC or ABS pipe to clay pipe sewers shall be made with a suitable adapter approved by the Superintendent.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.12 CONNECTION TO PUBLIC SEWER.

The connection of the building sewer into the public sewer shall be made at the Y branch, if the branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located Y branch is available, the owner shall, at his expense, install a Y branch in the public sewer at the location specified by the Superintendent. Where the public sewer is greater than 12 inches in diameter, and no properly located Y branch is available, a neat machined hole may be cut into the public sewer to receive the building sewer, with entry in the downstream

direction at an angle of about 45 degrees. A 45-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer, but no higher than a point one-half the vertical distance between the invert and the crown of the sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent. Manholes shall be constructed at any junction of an eight-inch diameter line or larger into a public sewer.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.13 MANHOLE CONNECTIONS PROHIBITED.

No building sewer connection shall be made in a manhole unless the manhole is designed and constructed to receive a building sewer.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.14 INSPECTION, SUPERVISION OF CONNECTIONS.

An applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative between 7:00 a.m. and 4:00 p.m. Monday through Friday except holidays.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.15 EXCAVATION BARRICADES REQUIRED.

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, and any other governmental agency affected.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.16 SEWER METERING FOR CERTAIN COMMERCIAL ESTABLISHMENTS.

If any commercial user of the public sewer believes that the normal rate structure provided by § 51.44(A) does not accurately reflect the flow of waste water from his premises, he shall so notify the Superintendent. The Superintendent may authorize such a user to install a second water meter or other metering device to cause the user's water consumption to accurately reflect use of the sanitary sewer system of the city. Such installation shall be exclusively at the user's cost.

§ 51.17 MISCELLANEOUS PROVISIONS.

(A) An industrial user's portion of any state grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

(B) Bills for sewer services, in accordance with §§ 51.40 through 51.45 hereof, shall have a 10% penalty added to each bill that is unpaid after the tenth of the month following mailing. If any bill remains unpaid upon the twentieth of the month following mailing, the water supplied to the property affected will be shut off by the city and water service will not be restored until the requirements stated in § 53.07(B) have been fulfilled. In addition, a \$10 service fee will be added to cover the cost of both shutting off and restoring services. Bills remaining unpaid 30 days after rendition of services shall constitute a lien upon the real estate to which the service has been rendered. The City Clerk is hereby authorized and directed to file a notice of such lien in the Office of the Recorder of Douglas County, Illinois, and to pursue such legal action as is necessary to collect the delinquent charges, including, but not necessarily limited to, authorizing the City Attorney to pursue collection action in court.

(Ord. 80-0-18, passed 9-8-80; Am. Ord. 93-0-8, passed 5-24-93; Am. Ord. 97-0-8, passed 11-10-97)

PUBLIC SEWERS

§ 51.20 STORM WATER; UNPOLLUTED DRAINAGE.

(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. All disposal by any person into the city's sewer system is unlawful except those discharges in compliance with applicable federal standards, rules, and regulations promulgated pursuant to federal law or in compliance with more stringent state and local standards, rules, and regulations that may be applicable.



(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 Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.  
 (Ord. 75-0-2, passed 4-28-75; Am. Ord. 80-0-18, passed 9-8-80) Penalty, see § 51.99

§ 51.21 PROHIBITED WASTES.

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, waste engine 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 higher than 9.5 or 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.

(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, and so forth, either whole or ground by garbage grinders.

(E) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time. The discharge of mercury in excess of 0.0005 mg/l may be permitted based on the conditions of the Water Pollution Regulations of Illinois, Rule 702. A special permit must be obtained from the Superintendent prior to the discharge of any mercury in excess of 0.0005 mg/l as Hg.

(F) Any waste containing detectable levels of cyanide at any time except as permitted with the approval of the Illinois Environmental Protection Agency as specified

as specified in the Water Pollution Regulations of Illinois, Rule 703. (Ord. 75-0-2, passed 4-28-75; Am. Ord. 89-0-8, passed 9-25-89) Penalty, see § 51.99

§ 51.22 HARMFUL WASTES; REGULATIONS.

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 Superintendent 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 his opinion as to the acceptability of these wastes, the Superintendent 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 other pertinent factors. The substances prohibited are:

- (A) Any liquid or vapor having a temperature higher than 150°F. (65°C.).
- (B) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F. and 150°F. (0° and 65°C.).
- (C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (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 in excess of the following concentrations and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any material received in the composite sewage at the treatment works exceeds the limits established by the Superintendent for such materials.

<u>WASTE OR CHEMICAL</u>	<u>CONCENTRATION mg/l</u>
Arsenic	0.25
Barium	2.0
Boron	1.0
Cadmium	0.15
Chromium (hexavalent)	0.3
Chromium (trivalent)	1.0

<u>WASTE OR CHEMICAL</u>	<u>CONCENTRATION mg/l</u>
Copper	3.0
Fluoride	2.5
Iron (total)	2.0
Lead	0.1
Manganese	1.0
Nickle	1.0
Oil and grease, etc. (carbon tetrachloride)	100.0
Selenium	1.0
Silver	0.1
Zinc	1.0
Chlorine demand	30.0
Phenols	0.3

(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 Superintendent 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 Superintendent in compliance with applicable state or federal regulations.

(H) Any waters or wastes having a pH in excess of 10.5.

(I) Materials which exert or cause:

(1) 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions).

(3) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(J) 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 other agencies having jurisdiction over discharge to the receiving waters.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.23 INDUSTRIAL WASTES; PRETREATMENT.

(A) The admission of the following of any waters or wastes into the public sewers shall be subject to the review and approval of the Superintendent:

(1) Having a five-day B.O.D. greater than 300 ppm;

(2) Containing more than 350 ppm of suspended solids;

(3) Containing any quantity of substances having the characteristics described in § 51.22; or

(4) Having an average daily flow greater than 2% of the average daily sewage flow of the waste water treatment plant.

(B) Where necessary in the opinion of the Superintendent, the owner of any property discharging industrial waste shall provide, at his expense, such preliminary treatment as may be necessary to:

(1) Reduce the B.O.D. to 300 ppm and the suspended solids to 350 ppm;

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 51.22; or

(3) Control the quantities and rates of discharge of such waters or wastes.

(C) Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Superintendent and of the Environmental Protection Agency of the State of Illinois, and no construction of such facilities shall be commenced until these approvals are obtained in writing.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.24 HARMFUL WASTES.

(A) If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.22, and which in the judgment of the Superintendent, 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 Superintendent 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 cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.28.

(B) If the Superintendent 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 Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.25 INTERCEPTORS.

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 Superintendent, and shall be located as to be readily and easily available for cleaning and inspection.

(B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.26 PRETREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.27 MANHOLE INSTALLATIONS.

When required by the Superintendent, 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. This manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The owner shall install such control manhole within 90 days of the Superintendent's written request. (Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

#### § 51.28 MEASUREMENTS; TESTS; ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Waste and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at that control manhole. In the event that no special manhole exists as provided for by § 51.27, the control manhole shall be considered to be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected, provided the Superintendent shall be permitted to take samples within the premises of the user, including lagoons, ponds, and other places. 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 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, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples. (Ord. 75-0-2, passed 4-28-75)

#### § 51.29 INDUSTRIAL WASTES; SPECIAL AGREEMENTS.

No statement contained in §§ 51.20 through 51.29 shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor in accordance with § 51.44 by the industrial concern. (Ord. 75-0-2, passed 4-28-75)

§ 51.30 INSPECTORS.

(A) The Superintendent and other duly authorized employees of the city 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 Superintendent or his representatives 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 waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in (A) above, the Superintendent or duly authorized employees of the city 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 employees and the city shall indemnify the company against loss or damage to its property by city 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 § 51.27.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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.  
(Ord. 75-0-2, passed 4-28-75)

§ 51.31 PRETREATMENT.

(A) Except as required by § 51.23, § 51.21(C), and § 51.22(H), pretreatment for removal of compatible pollutants is not required.

(B) In addition to the prohibitions set forth in § 51.21 and § 51.22, the pretreatment standard for incompatible pollutants introduced into a treatment works

by a major contributing industry, shall be that established by a promulgated effluent limitations guideline defining the best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act. Compliance with pretreatment standards shall be as provided for by the Act and subsequent rules and regulations as promulgated by the Administrator.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

CHARGES

§ 51.40 USER CHARGE.

A user charge as determined by § 51.45 shall be paid monthly by each customer. Those customers who have filed permit application shall begin payment 30 days from the date of written notice of approval of the permit application.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.41 TERMINATION, TRANSFER OF SERVICE.

(A) Any user requesting termination of service shall give written notice to the City Clerk ten days prior to the time such termination is desired. The water meter shall be read by the supplier of local water service and the user billed according to the rate schedule in § 51.44. The responsibility for payment for sanitary sewer service prior to the date of termination shall be with the property owners as well as the user.

(B) There shall be no charge for transferring the sewer service to the subsequent user.  
(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

§ 51.42 ESTIMATED CHARGES.

If weather conditions or other circumstances prevent the reading of meters, the sewer bill shall be estimated from previous user records. Bills will be considered delinquent if payment is not received within ten days after the bill has been mailed to the user. Monthly bills will be paid to the City Clerk or his designated representative.  
(Ord. 75-0-2, passed 4-28-75)

§ 51.43 LATE PAYMENT PENALTY.

There will be a 10% penalty added to each bill that is unpaid ten days after mailing. Bills remaining unpaid 30 days after rendition shall constitute a lien upon

the real estate to which the service has been rendered. The City Clerk is authorized and directed to file a notice of such lien in the office of the recorder of Douglas County, Illinois, and to pursue such legal action as is necessary to collect the delinquent charges, unless, in the opinion of the City Attorney, the city should pursue individual civil proceedings against the user.  
(Ord. 75-0-2, passed 4-28-75; Am. Ord. 89-0-8, passed 9-25-89)

§ 51.44 RATES.

The city shall charge a user fee for sanitary sewer service based upon the quantity of metered water sales. The rates charged shall be determined, from time to time, by the City Council by resolution. Following the adoption of new rates, the city shall cause the new rate schedule to be published in a newspaper of general circulation within the city, with a copy to be maintained at all times in the office of the City Clerk.  
(Ord. 75-0-2, passed 4-28-75; Am. Ord. 81-0-16, passed 11-11-81; Am. Ord. 83-0-15, passed 10-10-83; Am. Ord. 84-0-8, passed 12-10-84; Am. Ord. 88-0-12, passed 3-31-88; Am. Ord. 89-0-8, passed 9-25-89; Am. Ord. 89-0-12, passed 11-13-89; Am. Ord. 92-0-8, passed 5-11-92; Am. Ord. 2007-0-05, passed 6-11-07)

§ 51.45 SECURITY DEPOSIT.

(A) Each residential user of city sewer service shall, at the time of initiation of the service, pay to the city a deposit in the sum of \$15 for each hookup. This deposit shall be security for the payment to the city of all fees due from the person for such sewer service. In the event the person fails, refuses, or neglects to pay the fees charged by the city for the sewer service, the city may apply the amount of the deposit to the delinquent account of the person. Upon the termination of sewer service by the city for that person at the hookup, and upon payment, in full, of all fees due and payable to the city, the amount of the deposit shall be refunded to the person. No interest shall be paid by the city on the deposit.

(B) The security deposit for apartment buildings, commercial establishments, and industrial users shall be such as may be set from time to time by the City Council. The security deposit provided for shall be refunded to the user making the deposit after 12 consecutive months of no delinquent

fee payments by the user and if the user is not in arrears in payment of the sewer service charge upon the expiration of the 12-month period.  
(Ord. 76-0-9, passed 9-13-76; Am Ord. 76-0-13, passed 12-27-76) Penalty, see § 51.99

§ 51.46 ANNUAL REVIEW OF RATES.

Within 30 days after receipt of the annual audit of the sewer system by the city, the City Council shall review the rates and charges made for use of the sewer system in light of the revenues and expenses experienced during the previous year as shown by the audit. The City Council shall, by ordinance, adjust the rates and charges made for use of the sewer system as may be necessary based upon the revenue and expense figures shown by the audit. The users of the wastewater treatment services will 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.  
(Ord. 88-0-14, passed 5-9-88; Am. Ord. 89-0-12, passed 11-13-89)

HEARING BOARD

§ 51.50 HEARING BOARD.

(A) A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the Superintendent. The cost of the arbitration will be divided equally between the city and the sewer user.

(B) One member of the Board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this chapter.  
(Ord. 75-0-2, passed 4-28-75)

§ 51.98 PROHIBITIONS.

(A) No unauthorized persons shall uncover, make any corrections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the Superintendent.

(B) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

(Ord. 75-0-2, passed 4-28-75) Penalty, see § 51.99

Cross-reference

Gas service boxes, see § 51.02

Criminal damage to property, see § 132.25

§ 51.99 PENALTY.

(A) Any person found to be violating any provision of this chapter except § 51.98(B) shall be served by the city 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.

(B) Any person who continues any violation beyond the time limit provided for shall be guilty of an offense and on conviction thereof shall be fined in the amount not less than \$50 nor more than \$500 for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. 75-0-2, passed 4-28-75)

## Section

§ 52.01 IMPROVEMENTS OF PUBLIC RIGHT-OF-WAY.

- 52.01 Improvements of public right-of-way  
 52.02 Permit requirements  
 52.03 Variations  
 52.04 Enforcement of chapter

Excavations

- 52.05 Permit required  
 52.06 Bond required  
 52.07 Superintendent to oversee work  
 52.08 Restoration and backfilling  
 52.09 Open, unprotected excavation prohibited

Sidewalks

- 52.15 Permit required; fee  
 52.16 Establishment of grade  
 52.17 Line of grade; replacement sidewalks  
 52.18 New sidewalks  
 52.19 Sidewalk specifications  
 52.20 Barricades and danger lights required  
 52.21 Suspension of work  
 52.22 Preservation of grade stakes  
 52.23 Superintendent to oversee and inspect construction  
 52.24 Private use of sidewalks prohibited.  
 52.25 Duty of owner to construct sidewalk  
 52.26 Construction by owner  
 52.27 Failure to construct  
 52.28 Bids required; bond  
 52.29 City to share costs

Curbs and Gutters

- 52.35 Permit required; fee  
 52.36 Establishment of grade, location  
 52.37 Curb, gutter specifications  
 52.38 Alternate specifications  
 52.39 City to share costs

Street Pavements, Design, and Construction

- 52.45 Purpose and scope  
 52.46 Preparation of plans and specifications  
 52.47 Right-of-way requirements  
 52.48 Location and design of alleys  
 52.49 Names of streets and alleys  
 52.50 Design of streets, alleys, walks, and drainage systems  
 52.51 Construction of streets, alleys, walks, and drainage systems  
 52.99 Penalty

Appendix: Standards

Cross-reference:

Superintendent of Streets, see §§ 31.70 through 31.72  
 Streets and sidewalks, see Ch. 158

(A) Any person desiring to make any improvement upon or other changes to any public right-of-way is required to apply for a permit therefor.

(B) Any improvement to or modification of public right-of-way, except actions specifically exempted, will require a permit prior to initiation. Typical of actions requiring a permit are:

(1) Installation or replacement of sidewalks;

(2) Installation or replacement of driveway across right-of-way;

(3) Removal, installation, or modification of street curbing;

(4) Graveling or paving of parking area;

(5) Any significant change in elevations or drainage;

(6) Any excavation; or

(7) Any installation which could affect clear vision across right-of-way.

(C) Actions which are specifically exempted from requiring a permit are:

(1) Planting, mowing, and maintenance of grass or ground cover which does not obscure vision or have significant root structures; or

(2) Removal of trash and debris in order to clear and clean right-of-way. ('69 Code, § 23-11) (Ord. 77-0-9, passed 11-28-77) Penalty, see § 52.99

§ 52.02 PERMIT REQUIREMENTS.

(A) The proposed changes shall be presented and defined in writing and, if applicable, with drawings or specifications.

(B) The appropriate department superintendent shall review and approve the proposal.

(C) The modifications must meet all applicable standard specifications established by the city unless a specific waiver is granted by action of City Council.

(D) The modification shall not be such as to become a traffic or safety hazard.

(E) The modification shall not be such as to be likely to interfere with the operation or maintenance of city or public utility installations.



(F) The modification shall not adversely affect the drainage of public right-of-way or private property. ('69 Code, § 23-12) (Ord. 77-0-9, passed 11-28-77)

§ 52.03 VARIATIONS.

The City Council may approve variations from the requirements of this chapter in specific cases which do not affect the general plan or the spirit of the regulations set forth in this chapter. ('69 Code, § 23-100) (Ord. 77-0-9, passed 11-28-77)

§ 52.04 ENFORCEMENT OF CHAPTER.

It shall be the duty of the Building Commissioner to enforce the provisions of this chapter. ('69 Code, § 23-101) (Ord. 77-0-9, passed 11-28-77)

EXCAVATIONS

§ 52.05 PERMIT REQUIRED

(A) It shall be unlawful for any person to make any excavation in, across or along any street or alley in the city without having notified the Superintendent of Streets and obtaining a written permit from him to do so. ('69 Code, § 23-44)

(B) Any person desiring to make an excavation shall pay to the City Clerk the sum of \$10 where the excavation is in, across, or along an unpaved street or alley. Where the excavation is in, across, or along a paved street or alley, the sum of \$25 will be paid to the City Clerk. Upon presentation of the receipt issued by the City Clerk, the Superintendent of Streets will issue a permit. ('69 Code, § 23-45) Penalty, see § 52.99

§ 52.06 BOND REQUIRED.

No permit for excavation shall be issued unless the applicant has on file with the city and in full force and effect a bond in an amount specified by the City Council with surety to be approved by the City Council, conditioned upon completion of the work in accordance with applicable plans, specifications, and regulations and sufficient insurance to indemnify the city against any and all loss or liability resulting from the making of such excavation continuing for at least one year after the completion of construction. ('69 Code, § 23-46) Penalty, see § 52.99

§ 52.07 SUPERINTENDENT TO OVERSEE WORK.

It shall be the duty of the Superintendent of Streets to see work done under the permit and to direct the work to be done in accordance with this code. In all cases not provided for by this code, the

directions of the Superintendent of Streets shall be strictly complied with by any person doing such excavations.  
( '69 Code, § 23-45)

Statutory reference:

Inspection of work, see ILCS Ch. 65,  
Act 5 § 11-80-1 et seq.

§ 52.08 RESTORATION AND BACKFILLING.

When any excavation in any street or alley in the city is authorized, the excavation shall be repaired by backfilling with gravel and sand. Such restorative operations shall be conducted under the supervision of the Superintendent of Streets or any person designated by him for that purpose and meet the current Illinois Department of Transportation Standard Specifications for trench backfill construction requirements.  
( '69 Code, § 23-47) Penalty, see § 52.99

§ 52.09 OPEN, UNPROTECTED EXCAVATION PROHIBITED.

It shall be unlawful for any contractor for any public or private work, or for any officer or other person making any excavation, upon or adjoining any street, alley, or sidewalk, or having charge of the excavation, to leave it open and unprotected so as to endanger the safety of persons or animals passing thereby.  
( '69 Code, § 23-48) Penalty, see § 52.99

SIDEWALKS

§ 52.15 PERMIT REQUIRED; FEE.

Any person desiring to build a sidewalk on public property is required to apply for a permit. The fee for a permit will be paid to the city at the City Clerk's office. The fee will be \$5 for the first 60 feet of sidewalk construction, and \$2.50 per 60 feet, or any part thereof, in excess of the first 60 feet of sidewalk construction.  
( '69 Code, § 23-21) (Ord. 67-0-13, passed 12-26-67; Am. Ord. 77-0-5, passed 7-11-77)  
Penalty, see § 52.99

Statutory reference:

Sidewalks, see ILCS Ch. 65, Act 5  
§ 11-80-13

§ 52.16 ESTABLISHMENT OF GRADE.

(A) The grades for all sidewalks shall be established by a qualified person designated by the city. The grades shall conform as nearly as possible to the grades of respective streets. Where no permanent grade is established, the person designated by the city may give a temporary grade. The person designated by the city shall, when

requested by any person desiring to build a sidewalk, stake out the grade thereof without charge to the person.

(B) No person shall construct or lay, or cause to be constructed or laid, any sidewalk where no grade has been established by the person designated by the city, or contrary to any grade given by the person designated by the city, nor shall any sidewalk be constructed unless and until the permit therefor has been issued by the City Clerk.

('69 Code, § 23-22) (Ord. 67-0-13, passed 12-26-67) Penalty, see § 52.99

#### § 52.17 LINE OF GRADE; REPLACEMENT SIDEWALKS.

New sidewalks replacing old sidewalks shall line up with the existing sidewalk which connects at either or both ends. Where an elevation change is required between old and new sidewalk the transition should not exceed 10% slope.

('69 Code, §§ 23-23) (Ord. 67-0-13, passed 12-26-67; Am. Ord. 77-0-9, passed 11-28-77) Penalty, see § 52.99

#### § 52.18 NEW SIDEWALKS.

Where no sidewalk has previously existed, the new sidewalk shall start one foot outside the property line and extend at least four feet toward the street, unless otherwise requested by the city.

('69 Code, § 23-23) (Ord. 67-0-13, passed 12-26-67; Am. Ord. 77-0-9, passed 11-28-77) Penalty, see § 52.99

#### § 52.19 SIDEWALK SPECIFICATIONS.

Any person constructing a sidewalk on a public right-of-way within the corporate limits of the city shall conform to the current Illinois Department of Transportation Standard Specifications for Portland Cement Concrete Sidewalks, and in addition shall meet the following specifications, unless exempted by Council action:

(A) Subgrade preparation. Concrete sidewalk may be constructed on natural, undisturbed soil, free from undecayed organic material, provided the soil has been rolled or compacted in accordance with the above referenced specifications. Undisturbed soil is soil which has not been moved, trenched, or excavated upon during the previous five calendar years. At locations where the soil has been moved, trenched, or excavated upon, the soil for the full width of the sidewalk shall be removed for a depth of six inches and replaced with aggregate. The subgrade shall then be prepared as described above.

(B) Reinforcement. Wire mesh of #12 gauge shall be used at all residential driveway crossings and in front of commercial establishments. Reinforcing bars of 3/8

inches diameter shall be used at alley and business or commercial driveway crossings. One reinforcing bar shall be required for each foot of sidewalk width.

(C) Joints.

(1) Expansion joints shall be constructed and spaced in accordance with the specifications referenced above.

(2) Contraction joints shall be provided in the finished slab by construction of grooves in the sidewalk surface at right angles to the sidewalk. The grooves shall extend 1/4 the depth of the sidewalk, shall be not less than 1/8 inch nor more than 1/4 inch in width and shall be edged with a tool having a 1/4 inch radius. The contraction joints shall be constructed on four-foot intervals.

(D) Depth. Thickness of the sidewalk where driveways do not cross shall be four inches measured depth. Where driveways cross the sidewalk the measured depth shall be seven inches minimum.

(E) Width. All sidewalks on all streets and avenues within the city shall not be laid less than four feet in width.

(F) Outer Edge. The outer edge of the finished surface shall be parallel with the inner edge, and shall be lower than the inner edge by 1/4 inch for every foot of width.

(G) Finish. The finish of all sidewalks shall be a rough broom finish. ('69 Code, § 23-24) (Ord. 67-0-13, passed 12-26-67; Am. Ord. 72-0-26, passed 8-28-72; Am. Ord. 77-0-9, passed 11-28-77) Penalty, see § 52.99

§ 52.20 BARRICADES AND DANGER LIGHTS REQUIRED.

The contractor shall, at his own expense, place sufficient barricades and danger lights at night. ('69 Code, § 23-25) Penalty, see § 52.99

§ 52.21 SUSPENSION OF WORK.

Work on sidewalks may be suspended at any time when in the opinion of the city representative, the weather is not suitable to proceed with it. ('69 Code, § 23-26) (Ord. 77-0-9, passed 11-28-77)

§ 52.22 PRESERVATION OF GRADE STAKES.

The contractor will be required to preserve all grade stakes set by the city representative unless authorized by the city representative to remove them. ('69 Code, § 23-27) (Ord. 77-0-9, passed 11-28-77) Penalty, see § 52.99

§ 52.23 SUPERINTENDENT TO OVERSEE AND INSPECT CONSTRUCTION.

The materials used and the construction of any sidewalk shall be under the supervision and shall be subject to inspection and approval of the Superintendent of Streets and City Council. ('69 Code, § 23-28)

§ 52.24 PRIVATE USE OF SIDEWALKS PROHIBITED.

No part of any sidewalk shall be taken for private use by lowering or cutting down the sidewalk next to the building fronting thereon, or by railing off the sidewalk by any iron or other railing, or otherwise shutting off the public from using the sidewalk. Every sidewalk shall be built up to the building on a uniform grade. ('69 Code, § 23-29) (Ord. 67-0-13, passed 12-26-67) Penalty, see § 52.99

§ 52.25 DUTY OF OWNER TO CONSTRUCT SIDEWALK.

It shall be the duty of each and every owner of any lot, block, tract, or parcel of land touching upon, bordering upon, or contiguous to the line where any sidewalk is ordered by ordinance passed by the City Council to be constructed, to construct such sidewalk in front of his respective lot, block, tract, or parcel of land, in conformity with the provisions of this code, within 40 days after the City Clerk has mailed or otherwise caused to be delivered a notice of the passage of such ordinance. The notice shall be addressed to the owners respectively, and the parties or person who paid the last general taxes upon the respective lots or parcels of land touching upon the line where the sidewalk is to be constructed. ('69 Code, § 23-30) Penalty, see § 52.99

Statutory reference:

Construction by owner, see ILCS Ch. 65, Act 5 § 11-84-2

§ 52.26 CONSTRUCTION BY OWNER.

Whenever the owner of any lot, block, tract, or parcel of land touching upon the line of any proposed sidewalk desires to construct his own sidewalk in conformity with the provisions, specifications and requirements of this code, it shall be the duty of the Superintendent of Streets, upon demand by the owner or his representative, to furnish the owner with grade sticks, designating the proper grade for the sidewalk; provided no grade will be furnished to any contractor who is in default upon any contract with the city. ('69 Code, § 23-31)

§ 52.27 FAILURE TO CONSTRUCT.

Where any owner of a lot or parcel of

land adjoining any public street in the city fails to construct a sidewalk along the lot or parcel of ground when required to do so by ordinance, the city may construct the sidewalk and collect the costs of the construction by special taxation, special assessment, or any other method prescribed by law. ('69 Code, § 23-32) (Ord. 67-0-13, passed 12-26-67) Penalty, see § 52.99

Statutory reference:

Proceedings if owner fails to construct, see ILCS Ch. 65, Act 5 § 11-84-3

§ 52.28 BIDS REQUIRED; BOND

(A) The construction of any sidewalk which may be constructed by the city under the provisions of this code, shall be let by contract to the lowest responsible bidder in parcels, or all together as the City Council may determine, upon the final inspection of the bids submitted.

(B) The City Council may advertise for bids in a newspaper having general circulation in the city, stating that the contract for constructing a sidewalk, including the labor and material, will be let to the lowest responsible bidder and that sealed bids will be received at the office of the City Clerk for a period of 20 days from the date of the notice. The bids shall be opened by the City Clerk at the next regular or special meeting of the City Council after the expiration of 20 days from the date of the notice. The City Council shall determine the lowest responsible bid and let the contract to the lowest responsible bidder in parcels, or all together, as the City Council may deem best. The City Council may reject any and all bids. The City Council shall require from the successful bidder a sufficient bond conditioned upon the faithful performance of the contract. ('69 Code, § 23-33)

Statutory reference:

Sidewalk construction bids, see ILCS Ch. 65, Act 5 § 11-84-7

§ 52.29 CITY TO SHARE COSTS.

On any sidewalk construction, or on any replacement sidewalk construction undertaken hereafter, the city will assume and agree to pay not to exceed \$7.00 per running foot of the construction cost, not to exceed one-half of the total construction cost thereof, provided funds are available to the city to pay for such construction or replacement. ('69 Code, § 23-34) (Ord. 72-0-26, passed 8-28-72; Am. Ord. 77-0-5, passed 7-11-77; Am. Ord. 87-0-26, passed 10-12-87; Am. Ord. 93-0-7, passed 5-24-93; Am. Ord. 99-0-8, passed 6-28-99)

## CURBS AND GUTTERS

§ 52.35 PERMIT REQUIRED; FEE.

Any person desiring to install, replace, or modify any curbing or public right-of-way shall apply for and obtain a permit therefor. The fee for the permit shall be \$5 to be paid to the City Clerk. ('69 Code, § 23-60) (Ord. 77-0-9, passed 11-28-77) Penalty, see § 52.99

## Statutory reference:

Curbs and gutters, see ILCS Ch. 65,  
Act 5 § 11-80-11

§ 52.36 ESTABLISHMENT OF GRADE, LOCATION.

The grade and location of all curbing shall be established by a qualified person designated by the city.  
( '69 Code, § 23-61)

§ 52.37 CURB, GUTTER SPECIFICATIONS.

Curbs, gutters, and combination curbs and gutters shall be constructed in accordance with the current Illinois Department of Transportation Standard Specifications. In addition, the following requirements shall also be met:

(A) The standard curb and gutter will be a concrete barrier or depressed curb. Curb-type installation listed as type B-6.18 as shown in Standard 2130-4 of the State of Illinois Highway Standards (A-7.5c);

(B) The sidewalk shall be constructed of portland cement concrete having a modulus of rupture of not less than 650 pounds per square inch at the age of 14 days. The concrete shall be mixed in accordance with the requirements in the applicable paragraphs of Section 504 of the current Illinois Department of Transportation Standard Specifications;

(C) The gutter thickness specification shall not be less than 6 inches or the thickness of the street pavement, whichever is greater;

(D) Standard curb and guttering shall be installed over a minimum subbase of 9 inches of compacted porous granular aggregate;

(E) Construction shall conform to acceptable practices described in the current "Standard Specifications for Road and Bridge Construction of the State of Illinois Department of Transportation";

(F) The minimum radius of curbing curvature or at street intersections will be 15 feet measured to the face of a curb;

(G) The minimum radius of curbing curvature entering a private drive or alley will be 10 feet; and

(H) At the intersection of curbs and sidewalks, the curbs shall be depressed and sidewalk ramps for the handicapped shall be installed as shown in the current Standard 2356 of the State of Illinois Highway Standards.  
( '69 Code, § 23-62) (Ord. 77-0-9, passed 11-28-77)

§ 52.38 ALTERNATE SPECIFICATIONS.

Where it can be shown that alternate curb and gutter specifications will properly define and restrain street pavement, channel surface drainage, provide necessary restraint to keep vehicular traffic within desired limits and constitute a durable and maintenance-free installation, the City Council may allow alternate specifications to be used in curb and gutter installations.  
( '69 Code, § 23-64) (Ord. 77-0-9, passed 11-28-77)

§ 52.39 CITY TO SHARE COSTS.

(A) Where existing broken curbing is replaced by curbing meeting the standard curb and gutter specifications, the city will pay one-half of the cost thereof up to but not exceeding \$6 per running foot, provided that funds are available to the city to pay such cost.

(B) Where it is desired to install curbing in an existing subdivision not having any effective curbing or guttering, the city will pay one-half of the cost thereof up to but not exceeding \$5 per running foot, provided the following provisions are met.

(1) Both sides of an entire block are installed as a unit, including the connecting intersection corner arcs to a point past the intersection of the sidewalk;

(2) The curbing and guttering installed meets standard specifications or alternate specifications in conformity with those approved by the City Council; and

(3) The City Council agrees prior to installation that the city will share in the cost of the curbing and guttering; and

(4) The city has on hand or available funds with which to pay such cost.  
( '69 Code, § 23-63) (Ord. 77-0-9, passed 11-28-77; Am. Ord. 87-0-86, passed 10-12-87; Am. Ord. 93-0-7, passed 5-24-93)

STREET PAVEMENTS, DESIGN,  
AND CONSTRUCTION§ 52.45 PURPOSE AND SCOPE.

(A) For the purpose of controlling the future development of the city and

for the promotion of the public health and safety and comfort of persons living within the territory governed by the city, the provisions and regulations in this subchapter shall govern the design and construction of streets on lands lying within the corporate limits of the city as now or hereafter existing and, to the extent that such provisions and regulations may be applicable, shall also govern the design and construction of streets of lands lying within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the city.

(B) Specifications on street pavement are intended to establish pavement quality guidelines for various classes of pavement usage. These specifications are not intended to prohibit the use of alternate types and specifications of pavement where they are equivalent to the recommended types. Deviation from these specifications will require prior approval by the city council.

§ 52.46 PREPARATION OF PLANS AND SPECIFICATIONS.

All plans and specifications for the design and construction of streets shall be prepared by a registered professional engineer. The plans shall conform to minimum design policies established by the Illinois Department of Transportation and city design policies as established by this subchapter.  
Penalty, see § 52.99

§ 52.47 RIGHT-OF-WAY REQUIREMENTS.

The following shall be the minimum requirements for right-of-way of streets in any new subdivision within the city or within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the city:

(A) The minimum widths of rights-of-way for streets shall be as follows:

(1) Collector streets, being those streets used primarily for through traffic, including those shown and designated on the official plan of the city as collector streets, shall have a minimum width of right-of-way of 64 feet.

(2) All other streets, including those designated and shown on the official plan of the city as local streets, shall have a minimum width of right-of-way of 52 feet.

(B) Whenever a street in a new subdivision is a continuation of an existing street in an adjoining subdivision, and the right-of-way of the

existing street is less than the applicable width prescribed in (A) above, the right-of-way for the street in the new subdivision shall be as required in (A) above and a width transition for the proposed street pavement shall be provided.

(C) Whenever a street in a new subdivision is a permanent dead-end street and is not and cannot be continued to another street, the street shall be provided with a permanent turn-around, the right-of-way for which shall be not less than 100 feet in diameter.

(D) In each instance in which the subdivider owns the land on both sides of a proposed street, the entire right-of-way for the street shall be dedicated by the subdivider.

(E) When a new subdivision adjoins a dedicated half street in an existing subdivision, the subdivider shall dedicate the remainder of the street.

(F) In those instances in which the owner or owners of a new subdivision own the land on only one side of an existing street, the right-of-way of which is narrower than that required by (A) above, the subdivider shall dedicate additional right-of-way of sufficient width to make that portion of the right-of-way lying between the centerline of the existing right-of-way and the outside edge of the additional right-of-way at least equal to one-half of the required right-of-way width.

(G) Collector streets may be designed with gradual curves having a radius of at least 500 feet except where a lesser radius is deemed safe and adequate to serve the public need. All other streets may be designed with gradual curves having a radius of at least 250 feet, except where a lesser radius is deemed safe and adequate to serve the public need.

(H) Cul-de-sacs should have a maximum length of 300 feet measured from the center line of the intersecting street to the center of the turnaround. However, cul-de-sacs which are furnished with an adequate crossing or exit at the extremities of the turnarounds, can have additional length so that such cul-de-sacs do not exceed a maximum length of 900 feet, measured from the center line of the intersecting street to the center of the turnaround. Such emergency crossing or exit must be connected with another thoroughfare and be adequate to support and allow passage of all emergency vehicles; and such crossings and exits shall be dedicated to the public use, with a width of at least 20 feet.

(I) Street intersection centerline offsets of more than one foot and less than 125 feet between adjacent intersections shall be prohibited.

(J) No private streets will be permitted.  
Penalty, see § 52.99

§ 52.48 LOCATION AND DESIGN OF ALLEYS.

The following shall be the minimum requirements for the location and design of alleys in any new subdivision within the city or within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the city:

(A) Alleys shall be provided for all lots or parcels of ground intended for business, commercial, or industrial uses.

(B) Alleys proved for residential uses as determined by subdivider or City Council action.

(C) The minimum widths of right-of-way for alleys to serve business, commercial, or industrial uses shall be 24 feet.

(D) No dead-end alleys will be permitted.

(E) No private alleys will be permitted.  
Penalty, see § 52.99

§ 52.49 NAMES OF STREETS AND ALLEYS.

Proposed streets which are obviously in alignment with, or continuations of, existing streets already named shall bear the same name as the existing streets. Names shall be chosen to avoid confusion between streets; in no case shall the name of a proposed new street duplicate the name of an existing street. All names shall be approved by the City Council.  
Penalty, see § 52.99

§ 52.50 DESIGN OF STREETS, ALLEYS, WALKS, AND DRAINAGE SYSTEMS.

(A) Streets, alleys, walks, and drainage systems shall be designed in accordance with the current Illinois Department of Transportation Design Manual and Highway Standards. In addition, the following minimum requirements shall also be met for the design of streets, alleys, and walks in any new subdivision within the city or within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the city:

(1) The grades of collector streets shall not be steeper than 3%. The grades of all other streets shall not be steeper than 5%. No street grade shall be less than 0.3%.

further provided that contractor shall provide independent testing via a dynamic cone penetrometer (DCP) with one test every 50 feet of road alternating between the two traffic lanes to a depth of at least three feet below finish grade.

(2) All streets, all alleys, and all public walks for pedestrian travel shall be graded and the surface thereof improved with pavement. Street pavement shall be bounded by curbs, gutters, or combination curbs and gutters.

(3) The minimum width of improved paved areas of streets measured from curb face to curb face shall be as follows:

(a) Collector street, 44 feet.

(b) Local streets, the pavement width of local streets in single family residential areas with lot size greater than 15,000 square feet shall be 24 feet measured curb to curb. In single family residential areas with lot size less than 15,000 square feet but greater than 6500 square feet the local street width shall be 27 feet measured curb to curb. In multi-family residential areas and in areas with lot size less than 6500 square feet the street width shall be 34 feet measured curb to curb.

(c) Permanent turnarounds at the end of a cul-de-sac, the outside diameter of the surfaced area of a turnaround shall be not less than 80 feet.

(4) The minimum width of improved paved areas of alleys to serve business, commercial, and industrial areas shall be 20 feet.

(5) Pavements for collector streets may be constructed with either portland cement concrete or asphalt cement concrete. If constructed with portland cement concrete, the pavement shall be not less than seven inches thick with wire reinforcement on top of eight inches of aggregate base, Type B. Transverse contraction joints shall be constructed in the slab at 20-foot intervals. Load transfer devices are not required at the transverse contraction joints. Longitudinal contraction joints shall be constructed in the pavement on the center line for collector streets with parking on one or two sides. The pavement and contraction joints shall be designed as shown in Standard 2179 of the Illinois Department of Transportation Highway Standards. If constructed of bituminous materials, the pavement shall consist of six and one-half inches of asphalt concrete on top of eight inches of aggregate base type B. Should subgrade conditions warrant additional treatments as determined by the City Engineer, additional sub-base material will be required. If contractor desires to vary from the minimum thickness of the aggregate base, as set forth above, then contractor may so vary provided that the base used meets the following-described performance standard and testing, which testing shall be at the expense of contractor: Prior to commencement of pavement, the subgrade shall have a CBR of at least 6% in the top of 12 inches of subgrade, provided that the subgrade is within 1/10th of a foot of final grade; and

(6) Pavements for local streets may be constructed of portland cement concrete or asphalt cement concrete not less than six inches thick, or asphalt cement concrete not less than six inches thick, both on six inches of aggregate base type B. If constructed of P.C. concrete, transverse contraction joints shall be constructed in the slab at 20 foot intervals and longitudinal contraction joints shall be constructed on the centerline and 10 feet on either side of centerline for local streets with parking on two sides. The contraction joint may be formed with a polyethylene strip one and one-half inches wide, or may be saw cut as shown in Illinois Department of Transportation Highway Standard 2179. Should subgrade conditions warrant additional treatment as determined by the City Engineer, additional sub-base materials shall be required. If contractor desires to vary from the minimum thickness of the aggregate base, as set forth above, then contractor may so vary provided that the base used meets the following-described performance standard and testing, which testing shall be at the expense of contractor: Prior to commencement of pavement, the subgrade shall have a CBR of at least 6% in the top 12 inches of subgrade, provided that the subgrade is within 1/10th of a foot of final grade; and further provided that contractor shall provide independent testing via a dynamic cone penetrometer (DCP) with one test every 50 feet of road alternating between the two traffic lanes to a depth of at least three feet below finish grade.

(7) Curbs and gutters shall be required for all city streets. The curbs and gutters shall be constructed of portland cement concrete not less than six inches thick. On collector streets the curb shall be constructed to the dimensions given for Type B6.18 curb and gutter as shown in the Illinois Department of Transportation Highway Standard 2130. On local streets the curb shall be constructed to the dimensions given for mountable curb and gutter as shown in Illinois Department of Transportation Highway Standard 2130 or as shown in City Standard No. 3. When portland cement concrete is used for the roadway pavement, the curbs may be constructed integrally with the pavement.

(8) All curb corners shall have a radius of not less than 25 feet measured to the face of the curb.

(9) Sidewalks shall be constructed on both sides of all public streets. All public walks designed for pedestrian travel shall be constructed of not less than four inches of portland cement concrete. On collector streets the walks shall be five-foot wide, on local streets the walks shall be four-foot wide.

(10) All streets shall be provided with complete underground drainage facilities having a design capacity adequate

storm, as that design is defined and used in the publications of the State Water Survey Division of the Department of Registration and Education of the State of Illinois.

(B) However, the City Council may approve exceptions to the requirements of this section and approve plans for design of streets pursuant to these exceptions when such are more consistent with the city facilities and in accordance with good engineering practice, as determined by the City Engineer.

(Am. Ord. 95-0-1, passed 3-13-95) Penalty, see § 52.99

§ 52.51 CONSTRUCTION OF STREETS, ALLEYS, WALKS, AND DRAINAGE SYSTEM.

Streets, alleys, walks, and drainage systems shall be constructed in accordance with the current Illinois Department of Transportation Standard Specifications for Road and Bridge Construction. The construction shall be under the general supervision of a registered professional engineer. Before the completed improvements are approved or accepted by the city, such engineer shall furnish the city a completion certificate stating that such improvements comply with all the requirements of the approved plans and specifications, and have been in service for not less than one year. Penalty, see § 52.99

§ 52.99 PENALTY.

Any person, partnership, or corporation who violates the provisions of this chapter shall be subject to a fine of not less than \$25 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues, or the provisions of this chapter may be enforced by relief at law or in equity.

('69 Code, § 23-102) (Ord. 77-0-9, passed 11-28-77)

Section

- 1 Collector street
- 2 Local street
- 3 Mountable integral curb

§ 1 COLLECTOR STREET.

§ 2 LOCAL STREET.

§ 3 MOUNTABLE INTEGRAL CURB.



## Section

- 53.01 Application for service
- 53.02 Initial and minimum charges whether water used or not
- 53.03 City's responsibility and liability
- 53.04 User responsibility
- 53.05 Extension of mains
- 53.06 Change in occupancy
- 53.07 Payment of bills
- 53.08 Rate schedule
- 53.09 Access to premises
- 53.10 Tampering
- 53.11 Reading meters; estimates
- 53.12 Failure of meters; estimates
- 53.13 Liability for charges
- 53.14 Extra-territorial users and new users
  
- 53.99 Penalty

§ 53.01 APPLICATION FOR SERVICE.

(A) Water service shall be furnished only to city users upon filing of an application and water user agreement with the city upon a form to be supplied by the city. This provision applies to new users after the date hereof, as established users as of the date hereof shall become customers if they are customers in good standing, and of record, with the former owner of the city's water system, being Douglas County Water.

(B) A \$100 deposit will be required in order to establish service at a residence which is not owned by the tenant. Said deposit will be retained by the city for 24 months of continuous service in which there has been no interruption of said service because of past due bills. If the resident moves before the 24-month period of time, the deposit will be returned after the final bill is paid in full.  
(Ord. 92-0-22, passed 12-14-92; Am. Ord. 97-0-8, passed 11-10-97)

§ 53.02 INITIAL AND MINIMUM CHARGES WHETHER WATER USED OR NOT.

(A) The rates as shown in the rate schedule set forth hereafter of this chapter shall be paid by each customer, beginning at the time the city makes a service available to the customer.

(B) For new users, no connections with a water main shall be made until a connection fee of \$600 has been paid to the City Clerk. The connection fee includes all charges necessary for the tap-in, a lateral line running no more than 40 feet, and the installation of the meter on the user's property. Should the lateral line between

the main and the water meter be more than 40 feet, or should the lateral line transverse a paved street or right-of-way, the user shall pay to the city, in addition to the connection fee, an additional amount of \$300. All such connections between the main and the meter and the installation of the meter itself shall be made, and all such work done, by the city, which shall furnish the materials necessary for such work. All connections running from the meter to the user's building shall be made, and all such work done, at the expense of the user, who shall furnish materials necessary for such work; and no connection shall be covered until the work has been inspected by the city. This tap-in fee applies to meters 3/4-inch or smaller. For meters larger than 3/4-inch, the tap-in fee will be the actual cost of installing the meter and appurtenances.

(Ord. 92-0-22, passed 12-14-92; Am. Ord. 2002-0-5, passed 5-13-02; Am. Ord. 2007-0-4, passed 5-29-07)

§ 53.03 CITY'S RESPONSIBILITY AND LIABILITY.

(A) Ownership, installation and maintenance. The city shall install, own and maintain the complete water system, water mains, and service lines to the water meter or a mutually agreed upon point subject to the city's determination that a particular service is economically feasible to install. The city shall furnish, install and maintain a meter and appurtenances including a shutoff valve. The shutoff valve shall be installed on the user's property or such other point determined by a duly authorized representative of the city. The meter may be located near the shutoff valve or within the user's premises as determined by the city's representative. The meter and shutoff valve must be located at a point where it is readily accessible.

(B) Refusal of service. The city may at any time refuse additional services to any applicant if in the judgment of the city the capacity of tee system will not permit such use.

(C) Liability. All water service supplied by the city shall be upon the express condition that the city shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of water for repair, relocation, or expansion of any part of the system, or failure of any part of the system or for concentration of water for such purposes as tire-fighting or restricted use of water.

(Ord. 92-0-22, passed 12-14-92)

§ 53.04 USER RESPONSIBILITY.

(A) Installing and maintaining service lines. The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least 3/4" in diameter, and must be installed at a minimum depth of 2-1/2 feet. Service lines must have a minimum working pressure rating of 160 psi at 73.4 F and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines must not be covered until they are inspected and approved by a duly authorized city representative. The user will not connect any service line or any plumbing connected with the service line to any other water source. The service line must meet any requirements of the State of Illinois Environmental Protection Agency.

(B) Provisions for location of meter. The user shall permit the meter to be located upon their property.

(C) Easements. The user shall give such easements and rights-of-way as necessary to the city and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the city.

(D) Damage to city property.

(1) No user shall tamper, adjust, damage, or in any manner interfere with the components or operations of the water system owned by the city. The shutoff valve shall be opened only by a duly authorized representative of the city. Penalty for tampering, damaging, adjusting, or in any manner interfering with the components or operation of the system shall be up to \$200, payable to the city. If the penalty is not paid within 30 days after the amount is determined, the city shall discontinue the water service. The amount of penalty shall be determined by the city.

(2) In addition to the penalty the user responsible shall reimburse the city for the actual cost of repairing any damage arising from the user's act. Users shall report any known evidence of tampering, adjusting, damaging, or interference with operation of the system, owned by the city, to the city. Any malicious act or damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.

(3) No person shall turn on the supply of water to a service pipe from which

the supply has been turned off by the city on account of nonpayment of water rates, or for any other reason, without first having obtained a permit to do so from the proper city officers.

(E) Specified uses of water. Water purchased from the city may be used for ordinary domestic, industrial or farm use upon the premises of the user provided:

(1) No user shall resell or permit the resale of water purchased from the city.

(2) Each dwelling, apartment, business, and farm located outside and separate from a single family living unit is a separate unit. The user must make application for service for each unit, and each unit shall have a separate cutoff valve, meter and service line, and user shall pay the minimum monthly rate and other rates and fees herein established for each unit.

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

"APARTMENT." Single family living unit that may be an individual living unit or part of a multiple family living complex.

"BUSINESS." Business outside and separate from a single family living unit.

"DWELLING." Single family living unit.

"FARM." Consists of one single family dwelling and all related farm enterprises served by that meter and service line.

(G) Cross-connections.

(1) All plumbing installed within the city 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 of Water, an approved backflow 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 Plumbing Code, Illinois Environmental Protection Agency and local regulations.

(2) 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 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) 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) 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 for the purpose of verifying the presence or absence of cross-connections, and the Superintendent of Water 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 of the city 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 section.

(5) The Superintendent of Water 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 section is known to exist, and to take such 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 section, and until a reconnection fee of \$10 is paid to the city. 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 city, the Superintendent of Water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this section, whether or not said termination was with or without notice.

(6) The customer responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.  
(Ord. 92-0-22, passed 12-14-92; Am. Ord. 97-0-4, passed 6-23-97)

#### § 53.05 EXTENSION OF MAINS.

(A) Determination of who pays expense of extension. The city shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible, then the city may install and pay the cost of the extension at the discretion of the city. If the city elects not to pay the cost of extending the water main, then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the city. The city shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

(B) Requirements if extension is installed by someone other than the city.

(1) The city must approve all plans and specifications for any extensions.

(2) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois Environmental Protection Agency. Once installed, extensions must be disinfected and tested for leakage in presence of city's authorized representative.

(3) Ownership, rights-of-way, and title must be conveyed to the city for all extensions installed by anyone other than the city. The city will maintain the mains thereafter.

(4) No extension will be permitted if in the opinion of the city, the system does not have the necessary capacity to serve the proposed extension. (Ord. 92-0-22, passed 12-14-92)

§ 53.06 CHANGE IN OCCUPANCY.

(A) Notice to city. Any user requesting a termination of service shall give written notice to the city ten days prior to the time such termination of service is desired. The meter shall be read by the city and the user will be billed. If said user has been required to make a deposit to the city, such deposit will be returned after the final bill is paid in full.

(B) Responsibility for payment of services already consumed. Responsibility for payment for water consumed prior to the date of termination shall be with the user.

(C) Charges for change. There shall be no charge for transferring the water service to the subsequent user. (Ord. 92-0-22, passed 12-14-92; Am. Ord. 97-0-8, passed 11-10-97)

§ 53.07 PAYMENT OF BILLS.

(A) Date due. The meters will be read by the city on or about the tenth day of each month. If weather conditions or other circumstances prevent the reading of meters, then each water bill will be estimated by the city. Bills will be mailed around the twentieth day of each month and will be delinquent after the tenth of the following month. Bills will be paid to the city or a designated representative.

(B) Penalties for late payment. There will be a 10% penalty added to each bill that is unpaid after the tenth of the month following mailing. If any bill, for water services as provided in Chapter 53 herein,

or for sewer services as provided in Chapter 51, remain unpaid upon the twentieth of the month following mailing, the water supplied to the property affected will be shut off by the city and the service will not be restored until the following guidelines are satisfied:

(1) Renters/Non-owners.

(a) A \$100 deposit will be required in order to establish service at a residence which is not owned by the tenant. The city will retain this deposit for 24 months, then return. If service is disconnected for non-payment, the 24-month period will start anew. If the resident moves before the 24-month period of time has elapsed, the deposit will be returned after the final bill is paid in full.

(b) If any bill for water/sewer service is not paid by the twentieth of the month following mailing, the city will disconnect the service and it will not be restored until the following guidelines are satisfied:

1. The delinquency and 10% penalty must be paid in full as well as a \$10 service fee. If disconnection occurs after the original deposit has been returned, a \$100 deposit, which will be retained for 24 months, must also be collected before service is restored.

2. If service is disconnected for non-payment three times in any 12-month period, a one-month's estimated charge will be added to the deposit, in addition to the requirements in 1. above.

(2) Property Owners. If any bill for water/sewer service is not paid by the twentieth of the month following mailing, the city will disconnect the service and it will not be restored until the following guidelines are satisfied:

(a) The delinquency and a 10% penalty must be paid in full as well as a \$10 service fee. Also, a \$100 deposit will be collected. The city will retain this deposit for 24 months, then return. If service is disconnected again for non-payment, the 24-month period will start anew. If the resident moves before the 24-month period of time has elapsed, the deposit will be returned after the final bill is paid in full.

(b) If service is disconnected for non-payment three times in any 12-month period, a one-month's estimated charge will be added to the deposit, in addition to the requirements in (a) above.

Bills remaining unpaid after 30 days after rendition of services shall constitute a lien upon the real estate to which the service has been rendered. The City Clerk is hereby authorized to and directed to file a notice of such lien in the Office of the Recorder of Douglas County, Illinois, and to pursue all such legal action as is necessary to collect the delinquent charges, including, but not necessarily limited to, authorizing the City Attorney to pursue collection action in court.

(C) A fee of \$10 will be charged on all checks returned for non-sufficient funds. (Ord. 92-0-22, passed 12-14-92; Am. Ord. 93-0-8, passed 5-24-93; Am. Ord. 97-0-8, passed 11-10-97)

#### § 53.08 RATE SCHEDULE.

The city shall charge a user fee for water service based upon the metered quantity of water provided. The rates charged shall be determined, from time to time, by the City Council by resolution. Following the adoption of new rates, the city shall cause the new rate schedule to be published in a newspaper of general circulation within the city, with a copy to be maintained at all times in the office of the City Clerk. (Ord. 92-0-22, passed 12-14-92; Am. Ord. 2007-0-05, passed 6-11-07)

#### § 53.09 ACCESS TO PREMISES.

The city and its employees shall have ready access at all reasonable times to the premises, places or buildings where water service is supplied for the purpose of examining and testing the consumption, use and flow of water, and it shall be unlawful for any person or corporation to interfere with, prevent or obstruct the city or its duly authorized agents in its duties hereunder. (Ord. 92-0-22, passed 12-14-92)

#### § 53.10 TAMPERING.

It shall be unlawful for any person not authorized by the city to tamper with, alter or injure any meter or any other part of the combined water works system of the city. (Ord. 92-0-22, passed 12-14-92)

#### § 53.11 READING METERS; ESTIMATES.

Authorized employees of the city shall read every water meter at such time each month as is necessary so that water bills may be sent out at the proper time. In the event that the water meters cannot be read for any reason, estimated bills shall be sent out for that month based on prior usage for each premises. (Ord. 92-0-22, passed 12-14-92)

#### § 53.12 FAILURE OF METERS; ESTIMATES.

In the event any water meter fails to register for any cause, the amount charged for the water during such period shall be estimated based on the average amount registered during the previous like period for the premises.

(Ord. 92-0-22, passed 12-14-92)

#### § 53.13 LIABILITY FOR CHARGES.

The occupant of said premises and the user of the services, shall be jointly and severally liable for the payment of services to such premises, and all services are rendered to the premises by the city only on the condition that such occupant and user shall be jointly and severally liable therefor to the city.

(Ord. 92-0-22, passed 12-14-92; Am. Ord. 97-0-8, passed 11-10-97)

#### § 53.14 EXTRA-TERRITORIAL USERS AND NEW USERS.

Extra-territorial users, being those users requesting municipal water services outside the corporate limits of the City of Tuscola, have no rights thereto, but may apply for the same to the city upon forms prescribed, from time to time, by the city for application. Further, new users subsequent to the date hereof, located within the city limits of Tuscola, shall be allowed access to the system only if, in the sole discretion of the city, the system's supply is adequate to accommodate the new user requirements.

(Ord. 92-0-22, passed 12-14-92)

#### § 53.99 PENALTY.

Any person, partnership, or corporation who violates the provisions of this chapter shall be subject to the penalty set forth in the section prohibiting the conduct violated, and in those cases where no penalty is provided, the penalty shall be not less than \$25 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues, plus the provisions of this chapter may be enforced by relief at law or in equity. (Ord. 92-0-22, passed 12-14-92)

