



## **LOST LAKE UTILITY DISTRICT ORDINANCE**

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## **TITLE 1 – ADMINISTRATION**

### **CHAPTER 1 – OFFICIAL DISTRICT CODE**

#### **SECTIONS:**

##### **1-1-1 TITLE**

##### **1-1-2 ACCEPTANCE**

##### **1-1-3 AMENDMENTS**

##### **1-1-4 CODE ALTERATIONS**

##### **1-1-1 TITLE**

Upon the adoption by the Board of the Trustees, this DISTRICT Code is hereby declared to be and shall hereafter constitute the official DISTRICT Code of the Lost Lake Utility District. This DISTRICT Code of ordinances shall be known and cited as the LOST LAKE UTILITY DISTRICT CODE and is hereby published by authority of the Board of Trustees and shall be supplemented to incorporate the most recent legislation of the DISTRICT as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading and to the general penalty clause relating thereto, as well as, to the section itself when reference is made to this DISTRICT Code by the title in any legal documents. (2007 Code)

##### **1-1-2 ACCEPTANCE**

The DISTRICT Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinance of the DISTRICT of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (2007 Code)

##### **1-1-3 AMENDMENTS**

###### **(A) Preparation and Supplementation:**

Any ordinance amending the District Code shall set forth the title, chapter, and section number of the section or sections to be amended and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this DISTRICT Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this DISTRICT Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the DISTRICT Code. (2007 Code)

###### **(B) Recording Amendments:**

It shall be the duty of the Secretary of the Board of Trustees to keep at least one copy of the DISTRICT Code of which the designee shall mark in the following manner: whenever any ordinance which amends or makes an addition to the Code is passed and approved, the designee shall note on the margin of the section or sections amended that such amendment has been made, where the amendment may be found, and in the case of an addition, the designee shall mark in the appropriate place a notation that such addition has been made.

The Secretary of the Board of Trustees shall also keep a separate book containing every amendment or addition passed to this Code, with a reference on each copy of such

amendment or addition as to the place in the record of ordinance where the original reference may be found.

The above-mentioned records shall be kept in addition to the record of ordinance which the Secretary is required to keep by Statute.

(C) **Amendments Considered Part of the Code:**

Any additions or amendments to this Code, when passed in such form as to indicate the intention of the Board of Trustees to make the same a part of this Code, shall be deemed to be incorporated in this Code so that a reference to the District Code of the Lost Lake Utility District shall be understood to include them.

**1-1-4 CODE ALTERATIONS**

It shall be deemed unlawful for any person to alter, change, replace, or deface in any way any section or any page of this DISTRICT Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when authorized by the Board of Trustees. The Secretary of the Board of Trustees shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Secretary. Any person having in his custody a copy of the DISTRICT Code shall make every effort to maintain said Code current as to the most recent ordinances passed. The designee shall see to the immediate insertion of new or replacement pages when such are delivered to the designee or made available to the designee through the office of the Secretary. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the DISTRICT and shall be returned to the office of the Secretary when directed to do so by order of the Board of Trustees.

## **CHAPTER 2 – SAVING CLAUSE**

**SECTIONS:**

**1-2-1 REPEAL OF GENERAL ORDINANCE**

**1-2-2 PUBLIC WAYS AND PUBLIC UTILITY ORDINANCE**

**1-2-3 COURT PROCEEDINGS**

**1-2-4 SEVERABILITY CLAUSE**

**1-2-1 REPEAL OF GENERAL ORDINANCES**

All general ordinance of the DISTRICT passed prior to the adoption of this DISTRICT Code are hereby repealed, except such as are included in this DISTRICT Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections) and excluding the following ordinances which are not hereby repealed: ethics ordinances; tax levy ordinances; appropriation ordinances; ordinance relating to boundaries and annexations; franchise ordinance and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the DISTRICT; and all special ordinances.

**1-2-2 PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES**

No ordinance relating to the conduct, duties, service, or rates of public utilities shall be repealed by virtue of the adoption of this DISTRICT Code or by virtue of the preceding Section, excepting as the

DISTRICT Code may contain provisions for such matters, in which case, the DISTRICT Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

### **1-2-3 COURT PROCEEDINGS**

No new ordinance shall be construed or held to repel a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture, or punishment so incurred or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture, or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture, or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the DISTRICT herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying, or altering any penalty accrued or to accrue or as affecting the liability of any person, firm, or corporation or as waiving any right of the DISTRICT under any ordinance or provision thereof in force at the time of the adoption of this DISTRICT Code.

### **1-2-4 SEVERABILITY CLAUSE**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this DISTRICT Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. The Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid, or ineffective.

## **CHAPTER 3 DISTRICT ORGANIZATION**

### **SECTIONS:**

#### **1-3-1 THE LOST LAKE UTILITY DISTRICT**

#### **1-3-2 BOARD OF TRUSTEES**

#### **1-3-3 CERTIFIED OPERATOR**

#### **1-3-1 THE LOST LAKE UTILITY DISTRICT**

The Lost Lake Utility District ("DISTRICT") was established by Order of the Circuit Court of Ogle County on April 10, 2006, following a favorable vote on March 21, 2006 by registered voters residing in the Lost Nation and New Landing developments, including those areas known as Flagg Estates, Lakewood Greens, and Knollwood Estates, to create such a district located in Taylor Township, Ogle County, State of Illinois.

#### **1-3-2 BOARD OF TRUSTEES**

The Board of Trustees, appointed by the Taylor Township Board of Supervisors, shall exercise general supervision over the affairs of the DISTRICT. The trustees shall ascertain the condition and needs thereof, and shall, from time to time, report the same to Consumers of the utility so that a full understanding thereof shall be had; and generally, shall do all acts necessary to protect the assets and promote the efficiency of the utility. The designated address for the DISTRICT is ~~100 Park Drive~~ 406 Lake Court, Dixon, IL 61021.

### **1-3-3 CERTIFIED OPERATOR**

The Certified Operator of the DISTRICT shall be subject to the supervision of the DISTRICT Board of Trustees and shall hereinafter be referred to as the "Certified Operator". The Certified Operator shall be appointed by the District Board of Trustees and shall hold office until a successor is appointed and qualified. The Certified Operator shall receive such salary as may be provided by the annual budget of the DISTRICT at the time of appointment.

- (A) The Certified Operator shall exercise general management and control over assigned duties;
- (B) The Certified Operator shall be responsible for the operation and maintenance of the DISTRICT'S water and wastewater system as provided in these ordinances;
- (C) The Certified Operator shall be the custodian of all vehicles, equipment, structures, and property provided by the DISTRICT for use in fulfilling responsibilities;
- (D) The Certified Operator shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose;
- (E) The Certified Operator shall supervise and be responsible for the conduct and performance of other employees hired by the DISTRICT in accordance with the Personnel Code, if any;
- (F) The Certified Operator shall perform such other duties as may be assigned by the provisions of these ordinances or by the DISTRICT Board of Trustees.

## **CHAPTER 4 DEFINITIONS**

### **SECTIONS:**

#### **1-4-1 CONSTRUCTION OF WORDS**

#### **1-4-2 DEFINITIONS**

#### **1-4-3 CATCHLINES**

#### **1-4-1 CONSTRUCTION OF WORDS**

- (A) Whenever any word in any section of this Code importing the plural number is used, in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party, or person is referred to in the Code by words importing the singular number only or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be deemed to be included. The words "person, firm, or corporation", shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words "this Code" shall be held and taken to mean the entire Code, including each and every section thereof. The word "DISTRICT", whenever used in this Code shall be held and taken to mean the Lost Lake Utility District. The words "written" and "in writing" may include printing, providing, that these rule of construction shall not be applied to any section of this Code, which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

- (B) All General provisions, terms, phrases, and expressions contained in this Code shall be literally construed in order that the true intent of the Chairman and Board of Trustees may be fully carried out.
- (C) The word “ordinance” contained in the ordinances of the DISTRICT has been changed in the content of this DISTRICT Code to “Title”, “Chapter”, “Section”, or “Subsection” or words of like import for organizational and clarification purposes only. Such change to the DISTRICT’S ordinances is not meant to amend passage and effective dates or such original ordinances.

#### **1-4-2 DEFINITIONS**

- (A) GENERAL: Whenever the following words or terms are used in this Code, they shall have such meanings as herein ascribed to them, unless the context makes such meaning repugnant thereto:
  - (1) AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.
  - (2) DISTRICT: The Lost Lake Utility District of the County of Ogle, State of Illinois.
  - (3) CODE: The Code of the Lost Lake Utility District; whenever reference is made in this Code to a DISTRICT employee.
  - (4) FISCAL YEAR: The fiscal year of the DISTRICT shall begin on January 1 of each year. The DISTRICT year shall coincide with the fiscal year.
  - (5) OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
  - (6) OFFENSE: Any act forbidden by any provisions of this Code or the omission of any act required by the provisions of this Code.
  - (7) OFFICERS and EMPLOYEES: DISTRICT officer or employee by title only, this shall be construed as though followed by the words “of the Lost Lake Utility District” and shall be taken to mean the officer or employee of this DISTRICT having the title mentioned or performing the duties indicated.
  - (8) OPERATOR: The person who is in charge of any operation, business, or profession. As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of a part of such building or land. Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
  - (9) WRITING: Representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.
- (B) FEDERAL GOVERNMENT
  - (1) “Federal Act” means the Federal Clean Water Act, as amended (Pub. L. 95-217).
  - (2) “Administrator” means the Administrator of the US Environmental Protection Agency.
  - (3) “Federal Grant” means the US government participation in the financing of the construction of the treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.
  - (4) “NPDES Permit” means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
- (C) STATE GOVERNMENT
  - (1) “State Act” means the Illinois Anti-Pollution Bond Act of 1970.
  - (2) “Director” means the Director of the Illinois Environmental Protection Agency.

- (3) "State Grants" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.
  - (4) "State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loan as filed with the Secretary of State of the State of Illinois.
- (D) LOCAL GOVERNMENT
- (1) "Ordinance" means this Ordinance.
  - (2) "DISTRICT" means the Lost Lake Utility District of Taylor Township, Ogle County, State of Illinois.
  - (3) "Approving Authority" means the DISTRICT Certified Operator.
- (E) CLARIFICATION OF WORD USAGE
- (1) "Shall" is mandatory.
  - (2) "May" is permissible.
- (F) WATER AND ITS CHARACTERISTICS
- (1) "ppm" shall mean parts per million by weight.
  - (2) "Milligrams per Liter" shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
  - (3) "PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.
- (G) MISCELLANEOUS
- (1) "Shut-off Valve" shall mean a valve attached to the water main service pipe and the water line leading to the premises, which may be operated by a valve key to start or stop the flow of water from the main to the premises. Also called a "curb cock".
  - (2) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
  - (3) "Service Box" shall mean valve box used with a shut off valve located at the property line and connecting the water main service pipe to the water line to the premises. Also called a "stop box".
  - (4) "Water Line" shall mean the pipe leading from the service box to the premises.
  - (5) "Premises" as used in this ordinance refers to a single-family dwelling located within the boundaries within the DISTRICT. The DISTRICT reserves the right to consider each unit of a multi-unit structure to be a separate residence. In such cases, each unit must comply with the provisions of this ordinance.
  - (6) "Improved Lot" shall be a parcel of property that has a residential or commercial structure erected on the property; the residential or commercial structure shall occupy a minimum of 1,000 square feet of the parcel; and, the structure shall be used regularly in the operation or function of the residence or commercial structure. An out building for storage of personal property, a mobile home, or a septic system shall not be considered a residential or commercial structure. Temporary or incidental use of a parcel for residential or commercial purposes shall not cause a parcel to be considered an improved lot. (5/20/2008 addition)
- (H) WASTEWATER AND ITS CHARACTERISTICS
- (1) "Wastewater" shall mean the spent water of the community. From this standpoint, it may be a combination of liquid and water-carried wastes from residences, commercial



buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

- (2) "Sewerage" is used interchangeable with "wastewater".
- (3) "Effluent Criteria" are defined in applicable "NPDES Permit".
- (4) "Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.
- (5) "Unpolluted Water" is water quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and wastewater treatment facilities provided.
- (6) "Milligrams per Liter" shall mean a unit of the concentration of wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of wastewater analysis.
- (7) "Suspended Solids" (SS) shall mean solids that either float on the surface of, or in suspension in water, sewage, or industrial waste, and of which are removable by laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.
- (8) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- (9) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of food.
- (10) "Properly Shredded Garbage" shall mean the waste 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 particles greater than .008 inch in any dimension.
- (11) "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (12) "Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons (77g) of BOD (five-day biochemical oxygen demand) and 0.2 pound (91g) of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of three parameters. Impact on a stream is the higher of the BOD and suspended solids parameter.
- (13) "Slug" shall mean any discharge of water, sewerage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows from sanitary sewerage.
- (14) "Industrial Waste" shall mean any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewerage.
- (15) "Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than 10 percent of the flow carried by the municipal system receiving the

waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Federal Act; or (d) is found by the permit issuant authority, in connection with the issuance of the NPDES permit 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.

(I) SEWER TYPES AND APPURTENANCES

- (1) "Sewer" shall mean a pipe or conduit for conveying sewerage or any other waste liquids, including storm, surface, and ground water drainage.
- (2) "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the DISTRICT. It shall also include, sewers within or outside the boundaries that serve one or more persons ultimately discharge into DISTRICT sanitary (or combined) sewer system, even though those sewers may not have been constructed with DISTRICT funds.
- (3) "Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or polluted industrial wastes are not intentionally admitted.
- (4) "Storm Sewer" shall mean sewer that carries storm, surface, and ground water drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- (5) "Combined Sewer" shall mean a sewer that is designed and intended to receive wastewater, storm, surface, and ground water drainage.
- (6) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (7) "Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (8) "Storm-water Runoff" shall mean that portion of the precipitation that is drained into the sewers.
- (9) "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of sewage.
- (10) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(J) TREATMENT

- (1) "Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater works.
- (2) "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge sometimes used as a synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

(K) WASTEWATER FACILITIES

- (1) "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

(L) WATERCOURSE AND NATURAL OUTLET

- (1) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (2) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(M) USER TYPES

- (1) "User Class" shall mean the type of user "residential, institutional/government, commercial, or industrial" as defined herein.
- (2) "Residential User" shall mean all dwelling units; such as, houses, mobile homes, apartments, and permanent multi-family dwellings.
- (3) "Commercial User" shall include transit lodging, retail, and wholesale establishments or places engaged in selling merchandise or rendering services.
- (4) "Institutional/Government Users" shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.
- (5) "Industrial Users" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.
- (6) "Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the DISTRICT representative to sample or measure discharges.

(N) TYPES OF CHARGES

- (1) "Water Service Charge" shall be the charge per month levied on all users of the Water Facilities. The service charge shall be computed in Chapter V, Division B, and shall consist of the total of the Basic User Charge, Water Usage Charge, Debt Service Charge, and Capital Improvement Charge as specified in Title 2, Chapter 5, Section 2-6-1.
- (2) "Wastewater Service Charge" shall be the charge per month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Title 3, Chapter 2, Section 3-2-1 and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.
- (3) "User Charge" shall mean a charge levied on users of the water works and/or the wastewater treatment works for the cost of operation, maintenance, and replacement.
- (4) "Basic User Charge" shall mean the basic assessment levied on all users of the public water and sewer system.
- ~~(5) "Billing Period" shall begin on the first day of each calendar quarter and end on the last day of each quarter (i.e., Jan. 1–Mar. 31; Apr. 1–June 30; etc.) (3/16/2010 amended)~~
- (5) "Billing Period" shall begin on the first day of each two-month calendar period ("bi-monthly") and end on the last day of the bi-monthly period (i.e., Jan. 31-Feb. 28; Mar. 1-Apr. 30; etc.).
- (6) "Availability Charge" shall mean the charge on all unimproved lots or parcels where water and/or sewer is available for hook-up. There shall be an availability charge for water and a separate charge for sewer availability. When the unimproved lot or parcel is improved, the availability charge for that lot or parcel shall terminate.
- (7) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) "Useful Life" shall mean the estimated period during which the water works will be operated.
- (9) "Water Fund" is the principal accounting designation for all revenues received in the operation of the water system.
- (10) "Special Service Class" shall mean property owners in areas without water mains adjacent to his, her, their, or its property.

### **1-4-3 CATCH LINES**

The catch lines of the several sections of the DISTRICT Code are intended as mere catch words to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such section, including the catch lines, are amended or re-enacted.

## **CHAPTER 5 GENERAL PENALTY SECTION**

### **SECTIONS:**

#### **1-5-1 GENERAL PENALTY**

#### **1-5-2 APPLICATION OF PROVISIONS**

#### **1-5-3 LIABILITY OF OFFICERS**

#### **1-5-1 GENERAL PENALTY**

- (A) General Penalty: Unless specifically provided elsewhere, any person found to have been in violation of any of the terms and/or provisions of this Code shall be fined in the amount of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense if offender wishes to pay the DISTRICT Secretary. If offender seeks court adjudication, the fine range will be no less than fifty (\$50.00) nor more than one thousand dollars (\$1000.00). No imprisonment for failure to pay such fine, penalty, or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence. (Ord. 2005.78 1-3-2006)
- (B) Misdemeanor: If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the State is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than the penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the State, and the DISTRICT shall be required to establish guilt beyond a reasonable doubt.

#### **1-5-2 APPLICATION OF PROVISIONS**

- (A) Application to Code: The penalty provided in this chapter shall be applicable to every section of this Code, the same as though it were a part of each and every separate section. In case of amendment of any section of this Code containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the amended section or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed herein.
- (B) Multiple Penalties: In all cases where the same offense is made the prosecuting officer may elect under which to proceed but not more than one recovery shall be had against the same person for the same offense; provided that, the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- (C) Specific Penalty Not Provided: Whenever the doing of any act or omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

### **1-5-3 LIABILITY OF OFFICERS**

No Provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the DISTRICT Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

## **CHAPTER 6 CHAIRMAN AND VICE-CHAIRMAN**

### **SECTIONS:**

#### **1-6-1 ELECTION AND TERM**

#### **1-6-2 BOND**

#### **1-6-3 POWERS AND DUTIES**

#### **1-6-4 DESIGNATION OF OFFICERS' DUTIES (Rep. by Ord. 2002.94, 4-21-2003)**

#### **1-6-5 FORMAL OCCASIONS**

#### **1-6-6 ABSENCE OF CHAIRMAN**

#### **1-6-1 ELECTION AND TERM**

The Chairman and Vice-Chairman shall be elected by the DISTRICT Board of Trustees for a one (1) year term, and they shall serve until their successor is elected and qualified as is provided by statute.

#### **1-6-2 BOND**

Before entering upon the duties of his office, the Chairman shall execute a bond in such amount and with such sureties as may be required by the Board of Trustees, conditioned upon the faithful performance of the duties of his office; provided, the amount of such bond shall not be less than an amount required by Statute.

#### **1-6-3 POWERS AND DUTIES**

The Chairman shall preside over the meetings of the Board of Trustees and perform such duties as may be required for him by statute or ordinance. He shall have all emergency powers authorized, from time to time by statute or ordinance. The Chairman shall serve as a spokesperson for the community, facilitate communication and understanding between the elected and appointed officials, assist the Board of Trustees in setting goals and advocating policy decisions, serve as a promoter of the community, and serve as a key representative in intergovernmental relations.

#### **1-6-4 DESIGNATION OF OFFICERS' DUTIES**

(Rep. by Ord. 2002.95 4-21-2003)

#### **1-6-5 FORMAL OCCASIONS**

The Chairman shall act for and on behalf of the DISTRICT on formal occasions and receptions, but in his absence or inability to attend such function, the Board of Trustees may select any other DISTRICT officer to so act.

#### **1-6-6 ABSENCE OF CHAIRMAN**

If the Chairman is unable to attend meetings of the Board of Trustees or attend to the administration of the DISTRICT due to temporary, voluntary absence such as vacations, the

DISTRICT shall conduct the administration of the DISTRICT with the Vice-Chairman presiding. In the event of the Chairman's death, disability, or resignation, the Vice-Chairman shall assume the Chairman's duties until otherwise provided by statute.

## **CHAPTER 7 DISTRICT BOARD OF TRUSTEES**

### **SECTIONS:**

#### **1-7-1 ELECTION; FUNCTION**

#### **1-7-2 MEETINGS**

#### **1-7-3 QUORUM**

#### **1-7-4 RULES OF ORDER**

#### **1-7-5 COMMITTEES**

#### **1-7-6 RECORDS**

#### **1-7-7 SMOKING PROHIBITED; PENALTY**

#### **1-7-8 TOURISM ACCOUNT**

#### **1-7-9 GENERAL FUND RESERVE ACCOUNT**

#### **1-7-1 ELECTION; FUNCTION**

The members of the DISTRICT Board of Trustees shall be appointed by the Taylor Township Board of Trustees and serve for a five (5) year term. The Board of Trustees shall be the legislative division of the DISTRICT government and shall perform such duties and have such powers as may be authorized by statute.

#### **1-7-2 MEETINGS**

- (A) Regular Meetings: the regular meetings of the Board of Trustees shall be held at the DISTRICT hall on the 3<sup>rd</sup> Tuesday of every month at the hour of seven o'clock (7:00) p.m. in the chambers provided for the DISTRICT Board of Trustees situated at 404 Lake Court, Dixon, Illinois 61021. Provided, that if the regular meeting falls on a legal holiday, the meeting shall take place on the succeeding Tuesday at the same hour, unless otherwise ordered by the Board of Trustees. Adjourned meetings may be held at such times as the Board of Trustees may determine.
- (B) Special Meetings: Special meetings of the Board of Trustees may be called by the Chairman or Three (3) Trustees; provided, that a written notice of such meeting shall be given to each member of the Board of Trustees at least twenty-four (24) hours before the time set for the meeting. Provided further, that in case all of the elected members of the Board of Trustees are present at any special meeting, then the requirement of notice shall be unnecessary and shall be deemed waived. Provided further, that any Trustee may waive notice as to himself in writing.
- (C) Presiding Officer: The Chairman shall be the presiding officer of the Board of Trustees at all regular and special meetings and when the Board of Trustees meets as a committee of the whole.
- (D) Penalty for Nonattendance: If any Trustee shall willfully neglect or refuse to attend any regular meeting of the DISTRICT Board of Trustees, of which without having any just cause for so doing (what shall constitute just cause to be determined in every case by the members present at such meeting), he may, by a majority vote of those present, be fined in any sum not to exceed ten dollars (\$10.00) for each offense, and any Trustee who shall willfully neglect or refuse to attend or remain away from the meeting of the DISTRICT Board

of Trustees for a period of Three (3) months shall be deemed to have forfeited his office and the same is hereby declared vacant and it shall be filled as in other cases of vacancies. Each Trustee may miss two (2) meetings per year without penalty to pay.

- (E) Disturbing Meetings: It shall be unlawful to disturb any meeting of the DISTRICT Board of Trustees or of any committee thereof or to behave in a disorderly manner at any such meeting. Any person violating any provision of this subsection shall be subject to penalty as provided in section 1-4-1 of this title.

### **1-7-3 QUORUM**

A majority of the appointed members of the Board of Trustees shall constitute a quorum thereof, but no ordinance or measure for the expenditure of money shall be passed, except upon favorable vote of a majority of the elected members as provided by statute.

### **1-7-4 RULES OF ORDER**

- (A) Order of Business: the order of business at meetings of the DISTRICT Board of Trustees shall be as follows:
1. Roll call of members
  2. Invocation
  3. Approval of the Agenda
  4. Audience to visitors
  5. Consent Agenda
  6. Approval of minutes of DISTRICT Board of Trustees meeting
  7. Payment of bills
  8. Presentation of petitions, communications, and bills
  9. Reports of officers
  10. Reports of standing committees
  11. Public hearings
  12. Ordinances
    - a. Second reading
    - b. First reading
  13. Resolutions
  14. Considerations
  15. Appointments
  16. Board of Trustees reports; and
  17. Adjournment
- (B) Agenda: There shall be prepared and made available to all Board of Trustees, members, and local news media, not later than the end of the working day on Thursday directly preceding regular Board of Trustees meetings, an agenda for each regular Board of Trustees meeting which shall indicate the matters to be voted upon at said Board of Trustees meeting. Said agenda shall be prepared by the DISTRICT Secretary and shall include, but not limited to, a brief title or description of all proposed ordinances, resolutions, and contracts.
- (C) Rescinded Action: No vote or action of the DISTRICT Board of Trustees shall be rescinded at any special meeting unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute.
- (D) Resolutions: Any petition that is to be sent to a DISTRICT committee prior to its being considered by the Board of Trustees. The Board of Trustees hereby has the authority to send the petition directly to the appropriate. Said petition will be placed on the agenda for the

next available committee meeting and that committee will follow their rules, and refer the matter to the DISTRICT Board of Trustees for its consideration.

- (E) Ordinances: Every ordinance considered by the DISTRICT Board of Trustees shall be voted on, unless the ordinance has appeared before the DISTRICT Board of Trustees on two (2) occasions. The first appearance is to be considered a first reading where no vote will take place. The next appearance shall be at the next regular meeting and will be considered a second reading, at which time the ordinance shall be considered open for discussion and vote, according to rules.
  - (1) All ordinances shall be read by title only, unless a full reading is requested by one of the members of the DISTRICT Board of Trustees.
  - (2) The necessity of an ordinance appearing twice may be waived by affirmative vote of two-thirds (2/3) of the members of the DISTRICT Board of Trustees present at the meeting at which the ordinance and/or resolution is before it. All ordinances shall be available for review by any member of the DISTRICT Board of Trustees prior to the meeting being called to order.
- (F) Addressing Meetings: No person other than the Chairperson, member of the DISTRICT Board of Trustees, or other municipal officer or employee shall address that body at any regular or special meeting of the DISTRICT Board of Trustees except upon consent of the majority of the DISTRICT Board of Trustees member present. However, any individual may address the DISTRICT Board of Trustees during the audience to visitors section of the agenda, and the consent from the DISTRICT Board of Trustees shall be presumed, unless a majority of the members present, vote to deny said person the opportunity to speak. During this portion of the agenda, each individual will be allowed up to three (3) minutes to address the DISTRICT Board of Trustees, provided that the individual requested permission to speak during the audience to Guest/Public Opinion section of the agenda. Any individual that wishes to address the DISTRICT Board of Trustees with regard to an ordinance and/or resolution on the agenda for that meeting shall be allowed to speak at the time that the ordinance is to be considered by the DISTRICT Board of Trustees pursuant to the agenda. Any person addressing the meeting without foregoing consent, and having been notified to do so by the presiding officer shall be presumed to have disturbed the meeting as set forth in subsection 1-7-2 E of this chapter.
- (G) Suspension of Rules: The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at any meeting.
- (H) Robert's Rules of Order: Except when in conflict with the foregoing provisions, "Robert's Rule of Order" shall govern the deliberations of the Board of Trustees.

#### **1-7-5 COMMITTEES**

- (A) Standing Committees: The following shall be the standing committees of the DISTRICT Board of Trustees: FINANCE, ORDINANCE, SEWER AND WATER
- (B) Special Committees: The Chairman shall appoint such special committees as he may deem necessary or as may be directed by the Board of Trustees.
- (C) Membership in Committees:
  - 1. The Chairman shall appoint the members of all standing, Long Range, and special committees, as needed, in the absence of specific direction by the Board of Trustees and shall designate the chairman thereof.
  - 2. Every committee of the Board of Trustees shall consist of three (3) members, including the Chairman, unless the DISTRICT Board of Trustees shall provide otherwise.



### **1-7-6 RECORDS**

The DISTRICT Secretary shall keep the minutes and records of the Board of Trustees proceedings.

### **1-7-7 SMOKING PROHIBITED; PENALTY**

Smoking is hereby prohibited in said Board of Trustees chambers. Any person violating any provision of this section shall be subject to penalty as provide in section 1-4-1 of this title. Notice of this prohibition shall be reasonably posted in said Board of Trustees chambers.

## **CHAPTER 8 MISCELLANEOUS PROVISIONS**

### **SECTIONS:**

#### **1-8-1 CORPORATE SEAL**

#### **1-8-2 COMPETITIVE BIDDING PROCEDURES**

#### **1-8-3 GENERAL PURCHASEING GUIDELINES**

#### **1-8-4 METHOD OF ACCOUNTING**

#### **1-8-5 BUDGET APPROPRIATION AND LEVY**

#### **1-8-6 STATE GIFT BAN**

#### **1-8-7 AUTHORIZED SIGNATURES**

#### **1-8-8 HEARING PROCEDURES**

#### **1-8-1 CORPORATE SEAL**

The DISTRICT seal shall be circular in form with the words "Lost Lake Utility District of Ogle County, Illinois" around the outer edge and in the interior the figures "2007" and a devise representing a sheaf of grain shall be and is hereby established and declared to the common and corporate seal of the DISTRICT.

#### **1-8-2 COMPETITIVE BIDDING PROCEDURE**

- (A) To the extent not prohibited by state statute, it shall be the policy of the DISTRICT to procure goods and services from qualified local bidders to the greatest extent possible. To be considered a qualified local bidder, a business must meet the following criteria:
  - (1) Located within the limits of the County.
  - (2) Employs year round staff located at the business within the County.
  - (3) Is current with property tax payments, sales tax, water billing and other utility tax payments to the DISTRICT.
  - (4) Does not have any outstanding cited code violations.
  - (5) Is not receiving any incentives or subsidies from the DISTRICT.
  - (6) Has adequately qualified/trained staff to service the bid item.
- (B) If the lowest responsible bidder is not a qualified local bidder and if the qualified local bidder has submitted a bid which is within five (5) percent of the lowest responsible bidder for an item or bid, the qualified local bidder shall be given written notice by the DISTRICT to that effect and shall, with in ten (10) days from the date of such notice, provided written confirmation to the DISTRICT that it will match that bid price of the lowest responsible bidder. Should a qualified local bidder fail to provide such confirmation within the time allowed its bid shall be considered as originally submitted.
- (C) When more than one qualified local bidder is within five (5) percent of the lowest responsible bidder, only the qualified local bidder submitting the lowest local bid shall be given the opportunity to match the bid of the lowest responsible bidder. It shall, where the

bid is an aggregate of separate price components reduce the price of each sub-component of its aggregate bid by the same percentage that was used to match the bid of the lowest responsible bidder.

- (D) The DISTRICT may reject any and all bids and award the contract to someone other than the lowest responsible bidder or a qualified local bidder who matches the lowest responsible bid upon a two-third (2/3) vote of the DISTRICT Board members then holding office.

#### **1-8-3 GENERAL PURCHASING GUIDELINES**

The general purchasing guidelines shall be approved as the official purchasing policy of the DISTRICT.

#### **1-8-4 METHOD OF ACCOUNTING**

The DISTRICT shall use the modified accrual method of accounting, as that term is defined in generally accepted governmental accounting procedures, for fiscal year 2007 commencing June 2007 and all subsequent fiscal years commencing January 1, 2008.

#### **1-8-5 BUDGET APPROPRIATION AND LEVY**

- (A) The DISTRICT shall, within or before the last quarter of each year and no later than the third Tuesday in December, adopt a combined budget and appropriation ordinance, by which ordinance the DISTRICT may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the DISTRICT, and in such annual budget and appropriation ordinance shall specify the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose and such other information as may be required.
- (B) The DISTRICT shall, within or before the last quarter of each year no later than the last Tuesday in December, adopt a tax levy, by which ordinance the DISTRICT may levy such sum or sums of money as may be deemed necessary to pay all necessary expenses and liabilities of the DISTRICT, and in such annual tax levy ordinance shall specify such information as may be required.

#### **1-8-6 STATE GIFT BAN ACT**

Adoption: The Illinois Gift Ban Act is hereby adopted as required by Section 83 of the Act. The solicitation or acceptance of gifts is prohibited to be solicited or accepted under the act is prohibited by any elected or appointed official or any employee of the DISTRICT. All non-salaried appointed or elected officials are exempted from the act and provisions of this section.

#### **1-8-7 AUTHORIZED SIGNATURES**

The individual whose signatures shall be on all bank accounts for the DISTRICT shall be as follows: DISTRICT Chairman; DISTRICT Vice-Chairman; and DISTRICT Treasurer. Each bank account for the DISTRICT shall require two (2) signatures of the above listed individuals.

#### **1-8-8 HEARING PROCEDURES**

- (A) All hearings of the public body shall be subject to the Illinois Open Meetings Act.
- (1) The Chairman may impose reasonable limits on evidence or testimony presented by persons and parties; such as, time limits and barring repetitious, irrelevant or immaterial testimony. Time limits, if imposed, shall be fair and equally administered. The public body shall not be bound to strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chairman shall rule on all questions related to the admissibility of evidence, which ruling may be overruled by a

majority of at least a quorum of the public body. The Chairman may impose reasonable conditions on the hearing process based on the following factors:

- (a) The complexity of the issue.
  - (b) Whether the witness possesses special expertise.
  - (c) Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
  - (d) The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal.
  - (e) Such other factors appropriate for the hearing.
- (2) The Chairman may take such actions as are required to maintain an orderly and civil hearing.
- (3) Proof of lawful notice shall be introduced into evidence before the public body.
- (4) A record of proceedings shall be made as directed by the public body.
- (5) At a public hearing, a petitioner may appear on his or her own behalf or may be represented by an attorney.
- (6) The DISTRICT shall be a party in every proceeding and need not appear.
- (B) In addition to the petitioner, any person may appear and participate at the hearing.
- (1) People participating shall identify themselves for the record, either orally or in writing, and indicate if an attorney represents them. Any person participating, other than the petitioner, shall be referred to in these rules as interested persons.
  - (2) The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner.
  - (3) All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning the witnesses, summarizing the testimony of witnesses, or addressing the public body.
  - (4) The order of presentation of evidence at a public hearing shall generally be as follows, but may be modified as determined by the Chairman:
    - (a) Identification of petitioner and interested persons.
    - (b) Submittal of proof of notice.
    - (c) Testimony and other evidence by petitioner.
    - (d) Public body examination of petitioner's witnesses and other evidence.
    - (e) Cross-examination of petitioner's witnesses and other evidence.
    - (f) Testimony and other evidence of interested persons.
    - (g) Public body examination of interested persons' witnesses and other evidence..
    - (h) Cross-examination of interested persons' witnesses and other evidence by petitioner. In some case reexamination may be allowed.
    - (i) Report by staff, if any.
    - (j) Summary/closing by petitioner.
    - (k) Summary/closing by any interested persons.
    - (l) Rebuttal/closing by petitioner.
  - (5) At the conclusion of an evidentiary portion of the public hearing, the public body may, among other actions, move to deliberate its decision on the evidence presented or continue the hearing to a date, time, and location.
  - (6) A written decision shall be prepared which shall include findings of fact and public body's recommendation or decision based upon the record.
- (C) These rules for public hearing may be amended by a vote of a majority of the public body.

## **TITLE 2 - WATER REGULATIONS AND RATES**

### **CHAPTER 1 - REGULATIONS AND RATES**

#### **SECTIONS:**

##### **2-1-1 UTILITY SERVICE**

##### **2-1-2 UTILITY SERVICE CONNECTIONS**

##### **2-1-3 GENERAL REGULATIONS**

##### **2-1-4 MISCELLANEOUS ITEMS**

##### **2-1-1 UTILITY SERVICES**

- (A) **CONSUMER ACCEPTS SERVICE:** The rates, rules, and regulations contained in this Chapter shall be the rates, charges, and obligations of every person, company or corporation who uses the water and/or sewer services or receives other services of the DISTRICT'S water utility system ("Utility Services"). Every person, company or corporation ("consumer") who accepts and uses the DISTRICT Utility Services shall be bound by this ordinance.
- (B) **NOT LIABLE FOR INTERRUPTED UTILITY SERVICES:** The DISTRICT shall endeavor at all times to provide a regular and uninterrupted supply of Utility Services, however, in case the supply of Utility Services shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants, or agents, the DISTRICT shall not be liable therefore.
- (C) **USING UTILITY SERVICES WITHOUT PAYING:** Any person using DISTRICT Utility Service without paying for such service, or who shall break the seal of any meter or appurtenances, or bypass any meter, shall be fined a sum as the DISTRICT Board of Trustees may determine.  
*Exception:* There will be no charge for usage of Utility Service for public drinking fountains; one, within the Lost Nation Development; and two, within the New Landing Development; and one for use by the River Conservancy District, or local fire protection district. The appropriate property association or local government entity shall pay all expenses for said drinking fountains.
- (D) **DESTROYING PROPERTY:** Any person or entity who defaces, tampers with, injures, or destroys, or in any way limits the use or availability of any meter or any property of the water utility system, or erects signs on DISTRICT property without permission shall be fined as the DISTRICT Board of Trustees determine.
- (E) **UTILITY SERVICE OBTAINED BY FRAUD:** All Utility service shall be subscribed to by the owner of record of the property using established spelling of that person's or firm's name. Attempts to obtain Utility services by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and Utility service shall be denied. If Utility services have been disconnected because of non-payment of bill or any other unpaid obligation and Utility service have been obtained through subterfuge, misrepresentation, or fraud, that service shall be promptly disconnected and the whole or such part of advanced payments as may be necessary to satisfy the unpaid obligation shall be retained by the DISTRICT and credited to the appropriate account.
- (F) **FAILURE TO RECEIVE BILL:** Failure to receive a bill shall not excuse a consumer from their obligation to pay within the time specified. Should the DISTRICT be unable to bill a consumer for Utility services during any period, the following billing shall include for Utility services used during the unbilled period.

- (G) REQUEST TO DISCONTINUE UTILITY SERVICES: Utility services shall be deemed to have been supplied to any property connected to the water system during any billing period, unless the consumer has requested that such service be temporarily discontinued at least fifteen (15) days prior to such discontinuance of Utility service. In the event of an emergency, the DISTRICT may discontinue water Utility services as is practicable and no fee will be charged for this Utility service or for restoring water Utility services.
- (H) BILLING, UTILITY SHUT-OFF, HEARING:
- (1) All bills for service shall be due and payable upon representation. If a bill is not paid within thirty (30) days of the billing date, a penalty of ~~Ten Dollars (\$10.00)~~ **Twenty dollars (\$20.00)** shall be added thereto for administrative costs. *(1/20/2009 amended)*
  - (2) If a consumer fails to pay the utility bill within forty-five (45) days of mailing by first-class mail, the Utility services will terminate on a date stated in the letter.
  - (3) When the consumer who has been notified for non-payment of utility bills is not the owner of record, then the DISTRICT shall notify the owner of the property by first-class mail.
  - (4) Once the Utility Services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of One Hundred dollars (\$100.00) for each connection of such Utility services.
- (I) LIEN NOTICE:
- (1) Whenever a bill for Utility Service remains unpaid for ninety (90) days after it has been sent by first-class mail, the Secretary shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the DISTRICT claims a lien for this amount to the period covered by the bill.
  - (2) If the Consumer whose bill is unpaid is not the owner of the premises and has notice of this, then notices shall be mailed to the owner of the premises if the address is known to the Treasurer, whenever such bill remains unpaid for a period of thirty (30) days after it has been sent by first-class mail. The failure of the Treasurer to record such lien or to mail notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills.
  - (3) Foreclosure of lien property subject to lien for unpaid utility charges may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs as is the case in foreclosure of statutory liens. Such shall be in the name of the DISTRICT.
  - (4) The DISTRICT'S Attorney is hereby authorized to institute such foreclosure proceedings in the name of the DISTRICT in any Court having jurisdiction over such matters against any property for which the bill for Utility Services has remained unpaid for ninety (90) days after it has been sent by first-class mail.
- (J) CONSUMER LISTS: The Secretary shall prepare or cause to be prepared a complete and accurate list of all premises and properties receiving Utility Services, showing the names and addresses of the occupant and the owner. The list shall be kept up-to-date, and shall be corrected from time to time to record changes in the occupancy or ownership of any such property or premises. If requested, the list shall be presented at the regular monthly meeting.
- (K) LIABILITY FOR CHARGES: The owner of any lot, parcel of land, or premises and the user of the Utility Services shall be jointly and severally liable for payment of Utility Services to such lot, parcel of land, or premises. The DISTRICT provided all Utility Services to the premises

only on the condition that such owner, occupant, and user shall be jointly and severally liable therefore to the DISTRICT.

- (L) ESTIMATED CHARGES: Whenever any meter by reason of any cause fails to register properly the utilities passing through the same, the Consumer shall be charged the average charge of the previous twelve (12) months usage. If no record of the previous twelve (12) months exists, then it shall be the duty of the designee to estimate the amounts of utilities consumed during the time the meter fails to operate and the Consumer shall be charged with such estimated amount. Bills may be estimated whenever the meters are not read due to inclement weather or other cause.
- (M) SPECIAL RATES: The District reserves the right to modify the charges for Utility Services to government agencies and to property owner associations.
- (N) BULK SALE OF WATER: If a request is made to the DISTRICT to sell water from an un-metered hydrant for the purpose of irrigation, filling swimming pools, or uses other than drinking, the DISTRICT may approve such sale at a cost of \$5.00 per one (1) thousand gallons, rounded to the nearest one thousand, with a minimum charge of \$50.00.
- (O) DEPOSIT:
  - (1) Residential: When any application is made for Utility Services in accordance with the provisions of this Ordinance, all applicants for whom the Utility Service is requested shall put the Utility Services in their name and to deposit with its application the fee of one-hundred-twenty-five dollars (\$125.00). The one-hundred-twenty-five dollar (\$125.00) shall be refunded after six (6) continuous, consecutive, non-delinquent water payments. When the amount of the deposit is provided for is not sufficient to adequately protect the Water Department, a greater amount than stated may be required, based on the Consumer's estimated average bill for a 12-month billing period.
  - (2) Security for Payment-No Interest: The deposits made under the provisions of this Chapter shall be held by the DISTRICT as security for the payment of Utility Services used by the applicant on the premises to which his application pertains and may be used to pay for due and unpaid Utility Services and other charges and fees when any default is made in payment on the utility bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.
  - (3) Liability for Deposit: The owner an occupant of the premises shall be jointly and severally liable to pay the required deposit established herein before Utility Services shall be made available to the premises. If a portion of the deposit is used as stated in (2) above, the owner or occupant of the premises shall immediately deposit with the DISTRICT an amount sufficient to bring the deposit to the established rate of deposit.

## **2-1-2 UTILITY SERVICE CONNECTIONS**

- (A) APPLICATION FOR WATER SERVICE: An applicant desiring a water tap or service connection with the DISTRICT water utility system shall file a written application on a form provided by the DISTRICT. It shall be signed by the owner of the property, or by a duly authorized agent of the owner, for which the tap or service connection is desired. The application shall be accompanied by payment of fees thereafter prescribed to cover the cost of such service connection. If the application is made by an agent of the owner, the application shall be accompanied by the owner's written authority to the agent to make the application. The application shall contain the applicant's agreement to abide by and accept all of the provisions of this Ordinance as conditions governing the applicant's use of Utility Service.
- (B) CONNECTION PERMITS: Connections with the water utility system shall be made only after a permit has been issued by the DISTRICT Certified Operator. All such connections shall be

made under the supervision of the DISTRICT and in such a manner as the DISTRICT may direct through its duly authorized employees. No connection shall be covered until the District Certified Operator has inspected and approved the work. No water from the water utility system shall be turned on for service into any premises by any person other than the DISTRICT Certified Operator. The owner shall indemnify the DISTRICT for any and all loss or damage that may be directly or indirectly occasioned by the connection of the property to the water system. All cost for the connection or the tap-on, including but specifically not limited to the costs of tap-on, including but specifically not limited to the costs of excavation and labor, shall be the owner's sole responsibility. Also a tap-on fee of one thousand five hundred dollars (\$1500.00) is required.

- (C) WATER FOR BUILDING OR CONSTRUCTION SERVICES: Applicants desiring to use water from the DISTRICT water utility system for building or construction purposes shall make application therefore to the DISTRICT on a form provided for that purpose. Upon issuance of a permit, the service pipe shall be carried at the expense of the applicant to the inside of the property line where a shut-off valve and meter shall be placed with pipe leading to the surface and a faucet placed at the end above the surface. When the building or construction is completed, the faucet and the meter shall be removed and the water shut-off, unless permanent connection is made in accordance with the provisions of this Ordinance. The DISTRICT shall determine a charge for the use and connection to the temporary meter.
- (D) WATER SERVICE INSTALLATIONS: All service pipes and laterals from the water utility system ("water main") to the stop box shall be installed by, and at the expense of the DISTRICT for a distance not to exceed two hundred feet (200'). If such water service must cross a road or alley that requires boring and/or casing, the cost of such boring and/or casing shall be borne by the applicant for the service or the owner of the property being served. All expense for more than two hundred feet (200') shall be at the cost of and installed by the owner of the property to be served or the applicant for the service. The DISTRICT Certified Operator shall inspect and improve the installation. All such water services shall have a shut-off valve at the property line with a service box flush with the ground.
- (E) INSTALLING AND MAINTAINING SERVICE LINES: The user shall be responsible for installation of service lines between the service box and the premises. The DISTRICT shall be responsible for maintenance of service pipes between the main and the service box. The user shall be responsible for maintenance of service pipes between the service box and the premise. Such pipes shall be at least one (1") inch in diameter and shall be installed at minimum depth of five (5') feet. Service pipes shall have a minimum working pressure rating of 160 psi at 74.4° F and must be constructed of one of the following types of material: copper (type K) soft temper; polyvinyl chloride (PVC); and polyethylene. Service pipes shall not be covered until the DISTRICT Certified Operator inspects and approves installation. The user shall not connect any service pipes or any plumbing connection with the service pipes to any other water source. The service pipes must meet any requirements of the State of Illinois, the Environmental Protection Agency, and Ogle County.

### **2-1-3 GENERAL REGULATIONS**

- (A) CONNECTION REQUIRED: The owner or occupant of any premises, which uses water and is located on property within the boundaries of the District shall cause such premises to be connected with the water utility system within sixty (60) days from the date that water facilities become available to such property.
- (B) INSPECTION AND ACCESS TO PREMISES: The DISTRICT shall have access to all portions of Consumer's premises at any reasonable time for inspection of water and the Consumer's

pipings, fixtures, plumbing, or any other apparatus in any manner connected to the DISTRICT water utility system. The DISTRICT shall have the right to change or stop the use or to require any repair, change, removal, or improvement of any pipe, fixture, plumbing, or other apparatus that would in any manner affect the water supply or system of the DISTRICT or the supply or fixture of other Consumers.

- (C) DAMAGE DUE TO THE INTERRUPTION OF SERVICE-LIABILITY: All connections for the water services applied for hereunder and all connections now attached to the present DISTRICT water utility system and all use or service of the system shall be upon the express condition that the DISTRICT will be liable for, nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the water utility system or for any interruption of supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, or renewals. The owner and occupant shall release the DISTRICT from all such liability.
- (D) RESALE: No water provided by the DISTRICT shall be resold or distributed by the recipient thereof to any premises other than that for which application has been made and meter installed.
- (E) DISCONTINUING SERVICE – DANGEROUS USAGE: The DISTRICT shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the DISTRICT finds any apparatus or appliances which will be detrimental to the DISTRICT'S water system or to any or all of its consumers. Standpipes, hydrants, gate valves, and other apparatus that cause water hammer or any danger to the water system or other Consumer's plumbing shall be immediately repaired or removed upon notice from the DISTRICT, supervised by the Certified Operator of the DISTRICT, or, at its option, the DISTRICT may immediately discontinue service without notice and without any liability for direct or consequential damages that may result.
- (F) ELECTRIC GROUND WIRES: All entities and persons are strictly forbidden from attaching any electric ground wire to any plumbing or water piping that is or may be connected to any water service pipe, water meter, or water main belonging to the DISTRICT. The DISTRICT shall hold the owner of the premises responsible for any damage to the DISTRICT'S property or injury to the DISTRICT'S employee caused by such ground wire. Any and all owners and occupants shall remove any existing ground wires immediately on written notice from the DISTRICT. If not disconnected five (5) days after notice is sent by first-class mail, the DISTRICT, through its officials, may enter the property and remove such ground wires and the owner and occupant shall bear all reasonable costs.
- (G) FIRE HYDRANTS:
  - (1) Only the DISTRICT and local fire department shall own and maintain and use public fire hydrants, tees, and connections from the main, inside and outside the DISTRICT limits; and the DISTRICT shall be solely responsible for the same.
  - (2) The DISTRICT shall not be liable for and does not assume any responsibility for the condition of any fire hydrant, inside or outside the DISTRICT limits, or the pressure or amount of water obtainable therefrom or any direct or consequential damage that may result because of the condition, pressure, or amount of water available at any fire hydrant.
- (H) LIMITED WATER USAGE IN EMERGENCIES:
  - (1) The DISTRICT Certified Operator is authorized to declare the existence of an emergency whenever it appears that the DISTRICT water supply is inadequate for general uses and purposes and the declaration shall be published in a newspaper of general circulation serving the community and shall be posted in at least five (5) prominent places within



the areas the DISTRICT serves. The DISTRICT Certified Operator is further authorized to declare in similar manner the end of an emergency period.

- (2) From and after the publication of a declaration of emergency as provided for in subsection (1) of this section, the following uses of water shall be prohibited:
  - a) The washing of cars and other vehicles,
  - b) The sprinkling of lawns and shrubbery,
  - c) The watering of gardens, and
  - d) Any other non-essential use the DISTRICT'S Board of Trustees may determine.
- (3) It shall be unlawful for any person to use water from the DISTRICT supply for purposes noted in subsection (2) during a declared emergency.
- (I) SHORTAGE AND PURITY OF SUPPLY: The DISTRICT shall not be liable for and does not assume any responsibility for any claim, damage, or injury, either direct or consequential, that may result to any person, company, consumer of public body because of any water shortage; any water shutoff for any reason; any bursting or leakage of either the Consumer's or DISTRICT'S mains, pipes, and fixtures; or any pollution or impurity in water supply or any fire or water damage.
- (J) NON-COMPLIANCE WITH RULES AND REGULATIONS: If any Consumer does not comply with any of the rules or regulations in force, the DISTRICT shall notify the Consumer of such violation. If the Consumer does not remedy the violation with five (5) days, the DISTRICT shall have the right to discontinue Utility Service, except in case of non-payment, emergency, necessity or as otherwise provided, the DISTRICT will not discontinue service for violation of any rule until five (5) days after notice has been given and the violation has not been remedied.
- (K) EASEMENTS: The Consumer may provide such easements and rights-of-way as may be necessary to the DISTRICT and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The DISTRICT shall determine necessity.
- (L) USE OF WATER ON CONSUMER'S PREMISES: The DISTRICT reserves the right to use the water from the Consumer's facilities at any time deemed necessary. The DISTRICT shall not charge the Consumer for the use of the facilities and shall not charge for the water used by the DISTRICT.
- (M) RULES AND REGULATIONS: Consumers shall comply with all of the rules and regulations concerning the use of the facilities of the water utility system and the consumption of water the DISTRICT may adopt.
- (N) DISTRICT NOT LIABLE FOR INTERRUPTION OF SUPPLY:
  - (1) The DISTRICT shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules, or in any other circumstances in which a shut off may be reasonably necessary. Reasonable notice will be given to Consumers, but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut off to prevent damage to plumbing. The DISTRICT shall perform such necessary work as rapidly as may be practical under the circumstances and whenever feasible at such time as will cause the least inconvenience. The DISTRICT shall not be held responsible for or liable because of any shut off of supply for any direct or resultant damages to any person, company, or consumer, or to any pipe, fixture, or plumbing.
  - (2) Whenever water mains, pipes, and service connections are taken up, shut off or interfered with by reason of any street improvements, The DISTRICT will endeavor to maintain service in so far as is reasonably possible, but will not be directly or indirectly

liable for any interruption, poor pressure, or damage of any kind either to Consumers, adjacent properties, or to other Consumer affected thereby.

- (3) The DISTRICT shall be liable for and does not assume any responsibility for any claim, damage, or injury either direct or consequential, that may result in any manner for any losses or damages by reason of any fire and all water service furnished by shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the DISTRICT'S reasonable control.
- (O) PLUMBING: No water shall be turned on for service in premises in which the plumbing does not comply with the Ordinances of the DISTRICT, the Illinois Plumbing Code, or the Ogle County Building Code; provided, however, that water may be turned on for construction work in unfinished buildings subject to the provisions in this Chapter.
- (P) ILLINOIS PLUMBING CODE: All water tap and service connections made to the mains of the DISTRICT water utility system shall conform to the regulations of the Ordinance, the Illinois Plumbing Code, and the Ogle County Building Code.
- (Q) MAINTENANCE OF WATER LINES: The DISTRICT shall replace all water mains when it deems necessary to maintain service in the DISTRICT. The DISTRICT may limit its responsibilities to maintain water mains. The property owner shall be responsible for the service from the property line to the premises served.

#### **2-1-4 MISCELLANEOUS ITEMS**

- (A) REPAIRS TO THE SYSTEM: All repairs for service pipes and laterals from the water utility system (water mains) to the stop box shall be made by and at the expense of the DISTRICT. From the stop box to the property being served, all repairs and excavations shall be by and at the expense of the property owner.
- (B) WATER SERVICE LINES: All water service lines shall be copper tubing (type K, soft temper), polyvinyl chloride (PVC), or polyethylene. At no time will any other plastic or galvanized pipe be used.
- (C) COMPLIANCE WITH PLUMBING REGULATIONS: No water shall be turned on for service in any premises in which the plumbing does not comply with the Ordinances of the DISTRICT except that water may be turned on for construction work in unfinished buildings, subject to the provisions of the State of Illinois Plumbing Codes.
- (D) EXCAVATIONS FOR CONNECTIONS: Excavations for installing service pipes and laterals or repairing the same shall be made in compliance with ~~Lost Nation and New Landing~~ the United Lost Lake POA and other areas served by the DISTRICT, relative to making excavations in streets, provided that it shall be unlawful to place any service pipe in the same excavation with or directly over any drainpipe or sewer lateral.
- (E) SHUT-OFF BOXES: Shut-off boxes or service boxes shall be place on every service pipe and shall be located at the property line where this is practicable. Such boxes shall be located so that they are easily accessible and shall be protected from frost.
- (F) SUBTERRANEAN LEAKS: The Certified Operator will notify the Consumer when he has determined a subterranean leak in the service line. The Consumer will have fourteen (14) days to repair the leak, after which time the Consumer will be charged ten dollars (\$10.00) per day until the leak is repaired. All repairs to the service line shall be approved by the Certified Operator.

## **CHAPTER 2 - METERS**

### **SECTIONS:**

#### **2-2-1 SERVICE BY METER**

#### **2-2-2 METER INSPECTION**

#### **2-2-3 METER DAMAGE**

#### **2-2-4 REMOVAL OF METERS**

#### **2-2-5 METER REPAIR AND REPLACEMENT**

#### **2-2-6 READING AND TESTING OF METERS**

##### **2-2-1 SERVICE BY METER**

All water service shall be metered. All meters shall be so placed and installed so as to be free from danger of freezing and in a location that will provide easy access thereto. Meters outside of a building shall be set in a suitable meter box or meter well approved by the DISTRICT. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Ordinance on the part of the property owner have been fully complied with. All meters shall be owned by the DISTRICT.

##### **2-2-2 METER INSPECTION**

**METERS TO BE OPENED TO INSPECTION:** All water meters and water fixtures, connections, and appurtenances on private property, connected with the DISTRICT water utility system shall be open to the inspection of the proper officers and employees of the DISTRICT at reasonable hours.

##### **2-2-3 METER DAMAGE**

Whenever a meter is found to have been damaged by hot water being forced back into it from the Consumer's hot water or heating apparatus or for any other cause within the control of the Consumer, the Consumer shall pay the DISTRICT for the actual cost of the removal, repair, and/or replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears the meter was out of order for such damage.

##### **2-2-4 REMOVAL OF METERS**

All meters shall remain the property of the DISTRICT and may be removed from the consumer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any Consumer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the DISTRICT, such service shall be disconnected.

##### **2-2-5 METER REPAIR AND REPLACEMENT**

All water meters shall be the responsibility of the DISTRICT to maintain and/or replace when those meters are found to be improperly functioning. Repair and/or replacement of all meter boxes shall be the responsibility of the DISTRICT.

##### **2-2-6 READING AND TESTING OF METERS**

- (A) **READING METERS:** The DISTRICT Certified Operator shall read or cause to read every water meter used in the DISTRICT at such times as are necessary so that bills may be sent out at proper times.
- (B) **TESTING METERS:** Upon request or complaint of the Consumer, any water meter shall be tested for accuracy. If, upon testing, the meter is found to be over three percent (3%) off in

accuracy, the meter shall be replaced at no cost to the Consumer. If the meter is found to be three percent (3%) or less in accuracy, then the Consumer shall pay a testing fee of twenty-five dollars (\$25.00).

## **CHAPTER 3 - EXTENSION OF MAINS**

### **SECTIONS:**

#### **2-3-1 MAIN EXTENSION**

#### **2-3-2 EASEMENTS**

#### **2-3-3 SIZE AND TYPE**

#### **2-3-4 TITLE**

#### **2-3-5 MAINTENANCE AND REPLACEMENT**

#### **2-3-1 MAIN EXTENSIONS**

- (A) Upon application for water service within the DISTRICT, in areas not currently serviced, the DISTRICT may authorize the extension of the main. The DISTRICT shall incur all costs of the first two-hundred feet (200') of the main extension. The applicant shall pay all other costs of the extension.
- (B) Application for main extension outside the DISTRICT shall require a two-thousand-five-hundred dollar (\$2500.00) tap-on fee for each premises to the water main. The cost of installing a main beyond the DISTRICT boundary shall be the responsibility of the DISTRICT subject to a rate differentiation in accordance with Chp. 6, Section 2-6-1 (C); 2-6-4 (A) (B); Chp. 2, Section 3-2-1 (B).

#### **2-3-2 EASEMENTS**

Applicants for main extensions shall deliver, without cost to the DISTRICT, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The DISTRICT shall not be obligated to authorize any construction until all requirements of the Chapter have been met.

#### **2-3-3 SIZE AND TYPE**

The DISTRICT reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of the ~~Lost Nation and New Landing~~ **Lost Lake** development, its location within or without the limits of a street. The DISTRICT further reserves the right to install a main larger in diameter than the main required to render the service requested in which case the DISTRICT will pay for the difference in cost. The water main material specifications shall be as follows:

- (A) PIPE: ANSI/AWWA C900 PVC, CLASS 150, DR18
- (B) FITTINGS: ANSI/AWWA C153/A21.53 Compact Ductile Iron, Cement Mortar lined;
- (C) GATE VALVES: AWWA C509, Resilient seat type;
- (D) TAPPING SLEEVES: All Ductile Iron tapped full circle clamp coupling;
- (E) SERVICE SADDLES: All Bronze, Dual Strap Type;
- (F) CORPORATION STOPS: Bronze Body with compression connection to service line;
- (G) SERVICE LINES: One (1") inch minimum copper tubing, Type K, soft temper, polyvinyl chloride (PVC) or polyethylene;
- (H) CONNECTIONS TO EXISTING SERVICE LINES: Bronze Couplings;

- (I) THRUST RESTRAINT: Provide joint restraints or blocking, as directed by DISTRICT Certified Operator; joint restraints shall be UL listed/FM approved. Restraints shall be designed to withstand 100psi;
- (J) FIRE HYDRANTS: Three-way type, five and one-fourth (5 ¼) inch end. National Standard Thread: open counter-clockwise.

#### **2-3-4 TITLE**

Title to all main extensions shall be vested in the DISTRICT, and the DISTRICT shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the DISTRICT reserves the right to consider extensions made at the applicant's expense. The Consumer shall be responsible for maintenance and replacement of any applicant installed extensions.

#### **2-3-5 MAINTENANCE AND REPLACEMENT**

The DISTRICT, at its own expense, shall maintain and, when necessary, replace the DISTRICT-owned mains used to supply water to its Consumers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the DISTRICT at its expense.

## **CHAPTER 4 - CROSS CONNECTIONS-ADMINISTRATION**

### **SECTIONS:**

#### **2-4-1 APPROVED BACKFLOW DEVICE**

#### **2-4-2 CROSS CONNECTION PROHIBITED-EXCEPTION**

#### **2-4-3 INSPECTIONS BY CERTIFIED OPERATOR**

#### **2-4-4 RIGHT TO ENTER PREMISES**

#### **2-4-5 NOTICETO THE CONSUMER: RECONNECT FEE**

#### **2-4-6 CONTAMINATION COST AND THE CONSUMER**

#### **2-4-1 APPROVED BACKFLOW DEVISE**

All plumbing installed within the DISTRICT'S service area, shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890, and the Ogle County Building Code. If, in accordance with the Illinois Code or in judgment of the inspector, an approved backflow prevention devise is necessary for the safety of the public water supply system, the inspector shall give notice to the water Consumer to install such an approved device immediately. The Consumer shall, at his own expense, install such an approved devise at a location and in manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency, and all applicable local regulations, and shall have inspections and test made of such approved devises upon installation as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency, and local regulations.

#### **2-4-2 CONNECTION PROHIBITED-EXCEPTION**

No person shall establish or permit to be established or maintain a permit to be maintained an connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply enters the supply or distribution system of the DISTRICT, unless such private, auxiliary, or emergency water supply and method of connection and use of such supply shall have been approved by the Certified Operator and the Illinois Environmental Protection Agency.

#### **2-4-3 INSPECTIONS BY CERTIFIED OPERATOR**

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

#### **2-4-4 RIGHT TO ENTER PREMISES**

The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the Consumer regarding the required cross-connection control inspection. On demand, the owner, lessee, or occupants of any required cross-connection control inspection. On demand, the owner, lessee, or occupants of any property so served shall furnish to the inspector all information that 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 inspector, be evidence of the presence of improper connections as provided in this Chapter.

#### **2-4-5 NOTICE TO THE CONSUMER: RECONNECT FEE**

- (A) The DISTRICT is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection is in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as it may deem necessary to eliminate any danger of contamination of the public water supply distribution system.
- (B) Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of one-hundred dollars (\$100.00) is paid to the DISTRICT.
- (C) Immediate disconnection with verbal notice can be affected when the inspector 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 inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.
- (D) The DISTRICT, the inspector or the agents or assigns shall not be liable to any Consumer for any injury, damages, or lost revenues which may result from termination of the consumer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

#### **2-4-6 CONTAMINATION COST AND THE CONSUMER**

The Consumer is responsible for back-siphoned material or contamination through backflow, if the contamination through backflow, if the contamination of the potable water system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, shall be the cost of clean-up of the potable water supply system.

## **CHAPTER 5 - CROSS CONNECTIONS-CONTROL CODE**

### **SECTIONS:**

- 2-5-1 PURPOSE**
- 2-5-2 APPLICATION**
- 2-5-3 RESPONSIBILITY OF THE OWNER**
- 2-5-4 DEFINITIONS**
- 2-5-5 WATER SYSTEM**
- 2-5-6 CROSS-CONNECTION PROHIBITED**
- 2-5-7 SURVEY AND INVESTIGATIONS**
- 2-5-8 WHERE PROTECTION IS REQUIRED**
- 2-5-9 TYPE OF PROTECTION REQUIRED**
- 2-5-10 BACKFLOW PREVENTION DEVICES**
- 2-5-11 INSPECTION AND MAINTENANCE**
- 2-5-12 VIOLATIONS AND PENALTIES**

#### **2-5-1 PURPOSE**

The purpose of these Rules and Regulations are:

- (A) To protect the public water supply system from contamination or pollution by isolating within the Consumer's water system contaminants or pollutants which could backflow through the service connection into the public water supply.
- (B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or Consumer's potable water system and non-potable water systems, plumbing fixtures, and sources or systems containing substances of unknown or questionable safety, and;
- (C) To provide for the maintenance of a continuing program of cross-connection control, which will prevent the contamination or pollution of the public and Consumer's potable water systems.

#### **2-5-2 APPLICATION**

These Rules and Regulations shall apply to all premises served by the public potable water supply system of the DISTRICT.

#### **2-5-3 RESPONSIBILITY OF THE OWNER**

The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the Consumer's water service connection. If, in judgment of the Certified Operator or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Certified Operator shall give notice to the Consumer to install such approved backflow prevention device at each service connection to the premises. The Consumer shall immediately install such approved device or devices at his own expense. Failure, refusal, or inability on the part of the Consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The Consumer shall retain records of installation, maintenance, testing, and repair as required in Section 7(D) below for a period of at least five (5) years. The Certified Operator may require the consumer to submit a cross-connection inspection report to the DISTRICT to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a cross-connection control device inspector certified by the Illinois Environmental Protection Agency.

#### **2-5-4 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of these regulations:

- (A) "Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
- (B) "Agency" means Illinois Environmental Protection Agency
- (C) "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University Southern California, Association of State Sanitary Engineers, American Water Works Association, American Standards Institute, or certified by the National Sanitation Foundation.
- (D) "Auxiliary Water System" means any water source on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source, such as; wells, lakes, streams, process fluids, or used water. These waters may be polluted or contaminated, or objectionable or constitute a water source or system over which the water purveyor does not have control.
- (E) "Backflow" means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
- (F) "Backflow Prevention Device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
- (G) "Consumer" means the owner, official custodian, or person in control of any premises supplied by or in any manner connected to a public water system.
- (H) "Consumer's Water System" means any water system located on the Consumer's premises. A building plumbing system is considered to be a Consumer's water system.
- (I) "Contamination" means an impairment of the quality of water by entrance of any substance to a degree that could create a health hazard.
- (J) "Cross-Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.
- (K) "Direct Cross-Connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
- (L) "Indirect Cross-Connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum, or otherwise introduced into a safe potable water system.
- (M) "Double Check Valve Assembly" means an assembly composed of single independently acting check valves approved under ASSE Standard 1015, a double check valve assembly and suitable connections for testing the watertightness of each check valve.
- (N) "Health Hazard" means any condition, device, or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of Consumers. The word "serve" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in quality of life.
- (O) "Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping, appurtenances, appliances, and installations of a plumbing system for compliance with the requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.



- (P) "Non-potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.
- (Q) "Plumbing" means the actual installation, repair, maintenance, alteration, or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances, and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley, or at the curb to, within and about any building or buildings where a person or persons live, work, or assemble. Plumbing includes all piping, from discharge of plumbing units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work, or assemble from the point or connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation wall.
- (R) "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
- (S) "Potable Water" means water that meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.
- (T) "Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connections that would facilitate extension of the water supply line beyond its legal termination point.
- (U) "Process Fluid(s)" means any fluid or solution which may be chemically or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard is introduced into the public or Consumer's potable water system. This includes but is not limited to:
- (1) Polluted or contaminated water;
  - (2) Process waters;
  - (3) Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
  - (4) Cooling waters;
  - (5) Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
  - (6) Chemicals in solution or suspension, and;
  - (7) Oils, gases, acids, alkalis, and other liquids and gaseous fluids used in industrial or other processes, or for firefighting purposes.
- (V) "Public Water Supply" means all mains, pipes through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serves at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".
- (W) "Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to

maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

- (X) "Service Connection" means the opening, including all fittings and appurtenances, at all water main through which water is supplied to the user.
- (Y) "Survey" means the collection of information pertaining to a Consumer's piping system regarding the location of all connections to the public water supply system and must include the location, type, and most recent inspection and testing date of all cross-connection control devices and methods located within that Consumer's piping system. The Survey must be in written form and should not be an actual plumbing inspection.
- (Z) "System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a Consumer's potable water system.
- (AA) "Used-Water" means any water supplied by a public water supply system to a Consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.
- (BB) "Water Purveyor" means the owner or official custodian of a public water system.

#### **2-5-5 WATER SYSTEM**

- (A) The water system shall be considered as made up of two parts: the public water supply system and the Consumer's water system.
- (B) The public water supply system shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the Certified Operator up to the point where the Consumer's water system begins.
- (C) The Source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- (D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the Consumer's water system.
- (E) The Consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to the points of use.

#### **2-5-6 CROSS-CONNECTION PROHIBITED**

- (A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices are installed, tested, and maintained to ensure proper operation on a continuing basis.
- (B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.
- (C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

#### **2-5-7 SURVEY AND INVESTIGATIONS**

- (A) The Consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connection control devices within the consumer's premises.

- (B) On request of the Certified Operator, or an authorized representative, the Consumer shall furnish information regarding the piping system or systems, or water use within the Consumer's premises. The Consumer's premises shall be open at all reasonable times to the Certified Operator for the verification of information submitted by the inspection of the public water supply regarding cross-connection inspection results.
- (C) It shall be the responsibility of the water Consumer to arrange periodic surveys of water use practices on the Consumer's premises to determine whether there are actual or potential cross-connections to the Consumer's water system through which contaminants or pollutants could backflow into the Consumer's public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 255 ILCS 320/3.
- (D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:
  - (1) All cross-connections are removed or approved cross-connection control devices are installed for control of backflow and back-siphonage.
  - (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instruction; and,
  - (3) Cross-connection control devices shall be inspected at the time of installation and, at least annually, by a person approved by the DISTRICT, a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
  - (4) Testing is done and records are maintained as follows:
    - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
    - (b) Records submitted to the community public water supply shall be available for inspection by the DISTRICT personnel in accordance with 415 ILCS 5/4 (e);
    - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
    - (d) A maintenance log shall be maintained and include:
      - 1. Date of each test;
      - 2. Name and approval number of person performing the test;
      - 3. Test results;
      - 4. Repairs or servicing performed; and,
      - 5. Date completed.
    - (e) The Agency shall have the duty to investigate violations of this 415 ILCS 5/1 *et seq.*; of any rule or regulation under 415 ILCS 5/1 *et seq.*; of any permit or term or condition of a permit; of any Board of Trustees order to issue administrative citations as provided in 415 ILCS 5.31.1 of this Act; and to take such summary enforcement as provided in 415 ILCS 5/23.

#### **2-5-8 WHERE PROTECTION IS REQUIRED**

- (A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890, the regulations 35 Ill, Adm. Code 680 and the Ogle County Building Code. In addition, an approved backflow prevention device shall be installed on each service line to a Consumer's water system serving premises where, in the judgment of the Certified Operator, actual or potential hazards to the public water supply system exist.

- (B) An approved backflow prevention device shall be installed on each service line to a Consumer's water system premises where the following conditions exist:
- (1) Premises having an auxiliary water supply unless such auxiliary supply is accepted as an additional source by the Certified Operator and the source is approved by the Illinois Environmental Protection Agency;
  - (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water system. This shall include premises having sources or systems containing process fluids or water origination from the public water supply system which are no longer under the sanitary control of the Certified Operator and premises having internal cross-connections that, in the judgment of the Certified Operator, are not correctable or intricate plumbing arrangement which make it impractical to determine whether or not cross-connections exist;
  - (3) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey; and,
  - (4) Premises having a repeated history of cross-connections being established or re-established.
- (C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Code 890, the regulations 35 Ill. Adm. Code 653 and the Ogle County Building Code. In addition, an approved backflow prevention device shall be installed on each service line to a Consumer's water system serving, but not necessarily limited to, the following types of facilities unless the DISTRICT Certified Operator determines that no actual or potential hazard to the public water system exists:
- (1) Hospitals, mortuaries, clinics, nursing homes or laboratories;
  - (2) Piers, docks, or waterfront facilities;
  - (3) Sewerage treatment places, sewage pumping stations, or storm water pumping stations;
  - (4) Food or beverage processing plants;
  - (5) Chemical plants;
  - (6) Metal plating industries;
  - (7) Petroleum processing or storage plants;
  - (8) Radioactive material processing plants or nuclear reactors;
  - (9) Car washes;
  - (10) Pesticide, herbicide, or extermination plants and vehicles; and.
  - (11) Farm service or fertilizer plant and vehicles.

#### **2-5-9 TYPE OF PROTECTION REQUIRED**

- (A) The type of protection required under Section 2-5-8 of this Chapter shall depend on the degree of hazard which exists as follows:
- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
  - (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard; and,
  - (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be

installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

- (B) The type of protection required under Section 2-5-8 of this Chapter shall be an approved fixed proper air gap separation or approved reduced pressure principal backflow prevention connected to the public water supply when required by the Certified Operator.
- (C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principal backflow preventers shall be installed on fire safety systems connected to the public water supply when:
  - (1) The fire safety system contains antifreeze, fire retardant, or other chemicals;
  - (2) Water is pumped into the system from another source;
  - (3) Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or.
  - (4) There is a connection whereby another source can be introduced into the fire safety system.
- (D) All other fire safety system connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on un-metered service lines.

#### **2-5-10 BACKFLOW PREVENTION DEVICES**

- (A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specifications.
- (B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

#### **2-5-11 INSPECTION AND MAINTENANCE**

- (A) It shall be the duty of the Consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance, and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in the manufacturer's instructions:
  - (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by-passed air gaps shall be made within 24 hours.
  - (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter and required service performed within five (5) days.
  - (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer and required service performed within five (5) days.
  - (4) Testing shall be performed by a person who has been approved by the DISTRICT as competent to service the device. Proof of approval shall be in writing.
- (B) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (C) A maintenance log shall be maintained and include:

- (1) Date of each test or visual inspection;
  - (2) Name and approval number of person performing the test or visual inspection;
  - (3) Test results, repairs, or servicing required;
  - (4) Repairs and date completed; and,
  - (5) Servicing performed and date completed.
- (D) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the Consumer without delay as required by Section 11 (A).
- (E) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the DISTRICT Certified Operator.

## **2-5-15 VIOLATIONS AND PENALTIES**

- (A) The Certified Operator shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained, and repaired in a manner acceptable to the Certified Operator, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- (B) Water service to such premises shall not be restored until the Consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Certified Operator and the required reconnection fee is paid.
- (C) Neither the DISTRICT, the DISTRICT Certified Operator, or its agents, or assigns, shall be liable to any Consumer of the DISTRICT for any injury, damages, or lost revenues which may result from termination of said Consumer's water supply in accordance with the terms of this Ordinance, whether or not said termination of the water supply was with or without notice.
- (D) The Consumer responsible for back-siphoned 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.
- (E) Any person found to be violating any provision of this Ordinance shall be served with written notice stating the notice of 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 violation.
- (F) Any person violating any provision of this Ordinance in addition to the fine provided, shall become liable to the DISTRICT for any expense, loss, or damage occasioned by the DISTRICT by reason of such violation, whether the same was caused before or after notice.

## **CHAPTER 6 – WATER RATES-GENERAL**

### **SECTIONS:**

#### **2-6-1 WATER SERVICE CHARGE**

#### **2-6-2 ADEQUACY OF WATER SERVICE CHARGE**

#### **2-6-3 AVAILABILITY FEE**

#### **2-6-4 NEW SERVICE FEE**

## 2-6-5 REVENUES

## 2-6-6 ACCOUNTS

## 2-6-7 ACCESS TO RECORDS

## 2-6-8 APPEALS

### 2-6-1 WATER SERVICE CHARGE

- (A) **Basic User Charge: \$40.80 per month.** *(3/21/2023 amended)*

~~\$40.00 (1/18/2022 amended)~~

~~\$30.00 (12/1/2012 amended)~~

~~\$17.29 (3/16/2010 amended)~~

~~\$12.81 (3/16/2010 amended)~~

- (B) Within the Lost Lake development and the Flagg Estates Subdivision a.k.a. Lost Nation, New Landing: \$4.00 per 1,000 gallons, after 10,000 gallons. *(3/16/2010 amended)*

~~Within the Lost Nation and New Landing developments and Flagg Estates subdivision: \$2.34 per 1,000 gallons; Within the Lost Nation and New Landing a.k.a. Lost Lake developments;~~

- (C) Consumers residing outside the Lost Lake development and Flagg Estates subdivision shall pay a rate per 1,000 gallons as the DISTRICT may determine after petition and review based upon circumstances involved.

- (D) **A Water Availability charge of \$12.34 per month** *(1/18/2022 amended)* shall be required of the owner of each undeveloped property: a residential user whose home/residence extends beyond one lot shall not pay water availability ~~charge of \$5.50 per month~~ *(1/18/2022 amended)* on a lot that has any portion of the house or existing driveway encroaching on an adjacent lot and/or a lot that has a septic field and any part of a septic system located on it. (this does not include fences, sheds, or any temporary buildings, or detached building except the primary garage).

~~\$12.10 per month. (1/18/2022 amended)~~

~~\$11.00 (12/1/2012 amended)~~

~~\*A Water Availability charge of \$11.25 per month shall be required of the owner of each undeveloped property, a residential user whose home/residence extends beyond lot shall pay \$11.25 per month on each additional lot within the Lost Nation, New Landing a.k.a. Lost Lake development and Flagg Estates subdivision. (3/16/2010 amended)~~

~~\*A Water Availability charge of \$9.00 per month shall be required of the owner of each undeveloped property; a residential user whose home/residence extends beyond one lot shall pay \$9.00 per month on each additional lot within the Lost Nation, New Landing and Flagg Estates developments.~~

### 2-6-2 ADEQUACY OF WATER SERVICE CHARGE

The adequacy of the Water Service Charge shall be reviewed not less than annually, by a certified public accountant contracted by the DISTRICT to prepare an annual report.

### 2-6-3 AVAILABILITY FEE

A monthly fee shall be assessed upon the owner of each undeveloped lot within the Lost Lake development and Flagg Estate subdivision who has a water main extended to the lot and available for service. The amount of the fee is stated in Chapter 6, Section 2-6-1 (D). A resident whose home extends beyond one lot shall pay half of the availability fee on the encroached lot within the Lost Lake development and the Flagg Estate subdivision.

#### **2-6-4 NEW SERVICE FEES**

The DISTRICT shall establish a separate rate classification for new users who are served by the DISTRICT after improvements, construction, or extension of waterworks properties under the Public Water District Act, 70 ILCS 3705, 1 *et seq.* (the “Act”). The rate established shall differentiate only:

- (A) If the cost for servicing the new user is greater than the cost for servicing the current users; or,
- (B) If necessary to defray a proportionate share of the payment of the principal and interest on revenue bonds issued pursuant to the Act. Such rates shall be proportionate to the cost of providing service and shall be imposed fairly on all new users.

#### **2-6-5 REVENUES**

- (A) All revenues and moneys derived from the operation of the water system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from the designee’s private funds and separate and apart from all other funds of the DISTRICT and all of said sum, without any deductions whatsoever, shall be delivered to the Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the DISTRICT.
- (B) The Treasurer shall receive all such revenues from the water and sewer system and all other funds and moneys incident to the operation of such systems as the same may be delivered to the designee and deposit the same in the account of the fund designated as the “Water Fund of the DISTRICT”. The Treasurer shall administer such fund in every respect in the manner provided by the Illinois Compiled Statutes, Chapter 65.

#### **2-6-6 ACCOUNTS**

- (A) The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system and, at regular intervals, shall cause to be made an audit by an independent auditing concern of the books to show receipts and disbursements of the water system.
- (B) In addition to customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including replacement cost, to indicate that water charges under the waste cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:
  - (1) Flow data showing total gallons received at the pump, at the well-head, for the current fiscal year;
  - (2) Billing data to show total number of gallons billed;
  - (3) Debt Service for succeeding fiscal year;
  - (4) Number of users connected to the system;
  - (5) Number of non-metered users.

#### **2-6-7 ACCESS TO RECORDS**

The State of Illinois, the Environmental Protection Agency, The United States Environmental Protection Agency, Ogle County, or an authorized representative shall have access to any books, documents, papers, and records of the DISTRICT which are applicable to the DISTRICT’S system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.



## **2-6-8 APPEALS**

The method for computation of rates and service charges established for user charges in Chapter 7, Section 2-7-2 (Approved Rates) shall be made available to a user within fifteen (15) days or receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by the third party selected by both parties within ninety (90) days after notification of a formal written appeal outlining the discrepancies.

## **CHAPTER 7 – WATER RATES-APPROVED RATES**

### **SECTIONS:**

#### **2-7-1 APPLICATION FEE**

#### **2-7-2 WATER RATES**

#### **2-7-3 EFFECTED DATE OF RATES**

#### **2-7-1 APPLICATION FEE**

A fee of One Hundred Dollars (\$100.00) shall accompany each application for water service. This fee shall cover the administrative costs of processing the application, including a credit check, and the initial cost of turning on service to the premises. Applicants for water service shall pay a charge of One Thousand Five Hundred Dollars (\$1500.00) for each connection or tap-on to the water mains of the DISTRICT for properties not now connected or tapped-on to the water mains, whether presently constructed or to be constructed.

#### **2-7-2 WATER RATES**

Water rates in effect at the time the DISTRICT makes service available to the Consumer shall be charged to and paid by each Consumer. A minimum rate of ~~\$12.81 \$30.00 \$40.00~~ **\$40.80** per month shall be paid by those Consumers. *(3/21/2023, 1/19/2022, 12/1/2012 amended)*

- (A) Basic User Charge: ~~\$12.81 \$30.00 \$40.00~~ **\$40.80** per month;
- (B) Consumers residing within the Lost Lake development and Flagg Estates subdivision: ~~\$2.34~~ \$4.00 per 1000 gallons *after 10,000 gallons*;
- (C) Consumers residing outside the Lost Lake development and Flagg Estates subdivision shall pay a rate per 1,000 gallons as the DISTRICT may determine after petition and review based upon the circumstances involved;
- (D) A Water Availability charge of ~~\$9.00 \$11.00 \$12.10~~ **\$12.34** per month shall be required of the owner of each undeveloped property; a residential user whose home/residence extends beyond one lot shall not pay water availability ~~pay \$9.00 \$5.50 per month on each additional lot within the Lost Nation, New Landing and Flagg Estates developments~~ on a lot that has any portion of the house or existing driveway encroaching on an adjacent lot and/or a lot that has a septic field and any part of the septic system located on it. (this does not include fences, sheds, or any temporary buildings, or detached building except the primary garage).

#### **2-7-3 EFFECTIVE DATE OF RATES**

The rates and service charges established for the user in this Chapter shall be effective as of the first day of the month following the DISTRICT'S acquisition of the water and wastewater treatment facility. Subsequent changes in rates shall be effective on the first day of the month following the DISTRICT'S action changing the rate. The rates and subsequent changes shall be reflected on bills to be rendered for

the next succeeding month for monthly users and on bills to be rendered for the next succeeding ~~quarter for quarterly users~~ month for bi-monthly users.

## **CHAPTER 8 – PENALTIES AND VALIDITY**

### **SECTIONS**

#### **2-8-1 PENALTIES**

#### **2-8-2 VALIDITY**

##### **2-8-1 PENALTIES**

Penalty: Any person, firm, or corporation violating any provision of this Article shall be guilty of a misdemeanor, and or conviction thereof shall be fined in an amount not less than Fifty Dollars (\$50.00) and not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Ordinance shall be liable to the DISTRICT in the amount of the fine by reasons of such violation.

##### **2-8-2 VALIDITY**

- (A) This Ordinance replaces any and all previous Ordinance, rules, and regulations, including those of the form New Landing Utility, Inc. governing the water utility system now owned and operated by the Lost Lake Utility District.
- (B) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

## **TITLE 3 – WASTEWATER**

### **CHAPTER 1 – WASTEWATER REGULATIONS**

#### **SECTIONS:**

##### **3-1-1 USE OF PUBLIC SEWERS REQUIRED**

##### **3-1-2 MOVING FROM PRIVATE SEWAGE DISPOSAL TO THE PUBLIC SYSTEM**

##### **3-1-3 BUILDING SEWERS AND CONNECTIONS**

##### **3-1-4 USE OF PUBLIC SEWERS**

##### **3-1-5 PROTECTION OF SEWAGE WORKS FROM DAMAGE**

##### **3-1-1 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 DISTRICT or anywhere under the jurisdiction of said DISTRICT any human or animal excrement, garbage, or other objectionable waste.
- (B) It shall be unlawful to discharge to any natural outlet within the DISTRICT, or in any area under the jurisdiction of said DISTRICT, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

- (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 DISTRICT and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the DISTRICT, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500') of the property line.

### **3-1-2 MOVING FROM PRIVATE SEWAGE DISPOSAL TO THE PUBLIC SYSTEM**

- (A) Due to private system failure: At such time as private system fails and public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage facilities shall be abandoned and filled with suitable material.
- (B) Due to extension of sewer main: At such time as a consumer request that the sewer main be extended, the following provisions shall be adhered to:
  - (1) Upon application for sewer service with the DISTRICT, in areas not currently served, the DISTRICT may authorize the extension of the main. The DISTRICT shall incur all cost of the first two hundred feet (200') of the main extension. The applicant shall pay all remaining costs of the extension. The additional cost of the extension will be divided by the potential future users of the extension. Each additional user that taps on to the extension within a ten (10) year period will pay the original applicant their portion of the additional cost of the main extension. Each customer that taps on to the sewer main will pay a fee of One Thousand Five Hundred Dollars (\$1500.00).
  - (2) Application for main extension outside the DISTRICT shall require a Two Thousand Five Hundred Dollar (\$2500.00) tap on fee for each connection to the main. The applicant will pay all costs of the main extension. The additional cost of the extension will be divided by the potential future users of the extension. Each additional user that taps on to the extension within a ten (10) year period will pay the original applicant their portion of the additional cost of the main.

### **3-1-3 BUILDING SEWER AND CONNECTIONS**

- (A) No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Trustees.
- (B) All disposal by any person into the sewer system is unlawful except those discharges in compliance with the Federal Standards promulgated to the Federal Act and more stringent State and Local standards.
- (C) There shall be two (2) classes of building sewer permits:
  - (1) Residential wastewater service; and
  - (2) Commercial institutional/government or industrial wastewater service;
  - (3) In either case, the owner or his agent shall make application on a special form furnished by the DISTRICT (reference Appendix #1). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment

of the Board of Trustees. A permit and inspection fee of Five Hundred Dollars (\$500.00) for residential or commercial building sewer permit shall be paid to the DISTRICT at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

- (D) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (E) All costs and expenses incident to the installation and connection of the building sewer shall be borne at the owner's expense. The owner shall indemnify the DISTRICT from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (F) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building.
- (G) Old building sewers may be used in connection with the new building only when they are found, on examination and test by the DISTRICT Certified Operator to meet all requirements of this Ordinance.
- (H) The size, slope, alignment, material of construction of the building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the DISTRICT. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- (I) Connections to the DISTRICT low-pressure sewerage system will be served by sewage grinder pump. It will reduce waste pumping slurry with not greater discharge pressure of 60 psi (138 THD) and 40 GPM maximum flow rate per unit. Discharge piping will be constructed from Schedule 40 PVC, SDR 21 PVC, or SDR 11 HDPE Pipe from 1' to 2' in diameter. The sewerage service line will be below frost level and at least five feet (5') total depth. The sewerage discharge line will maintain a minimum of ten feet (10') horizontal separation from the water service line. The location of the sewerage grinder pump can be either inside or outside the structure. An alarm system shall be provided in the structure where grinder units are installed in the basement to alert the owner in the case of pump malfunction. A visual and aural alarm shall be provided for those pumping units installed in separate pumping vault outside the structure. The grinder unit must be protected against backflow from discharge lines by a check valve.
- (J) No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- (K) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the DISTRICT or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the Standard Specifications for Water and Sewer Main Construction in Illinois. All such

connections shall be made gastight and watertight. The DISTRICT Certified Operator, before installation, must approve any deviation from the prescribed procedures and materials

- (L) The applicant for the building sewer permit shall notify the DISTRICT Certified Operator when the building sewer is read for inspection and connection to the public sewer. The connection shall be made under the supervision of the DISTRICT Certified Operator or his representative.
- (M) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to the manner satisfactory to the DISTRICT.

### **3-1-4 USE OF PUBLIC SEWERS**

- (A) No person shall discharge, or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (B) Storm water and all other unpolluted drainage shall be discharged in a natural outlet.
- (C) No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
  - (1) Any gasoline, benzene, Naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
  - (2) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the sewage treatment plant;
  - (3) Any water or wastes having a pH lower than 6.0 (per the NPDES Permit) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage treatment plant.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with proper operation of sewage works, such as, but not limited to; ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage or sewerage grinders.
- (D) No person shall discharge or cause to discharge the following described substances, materials, water, or wastes if it appears likely in the opinion of the DISTRICT Certified Operator 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 DISTRICT Certified Operator will give consideration to such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewerage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies, substances prohibited are:
  - (1) Any liquid or vapor having a temperature higher than One Hundred Fifty Degrees (150°F), (65°C);
  - (2) Any water or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of One Hundred (100) mg/l or contain substances which may solidify or become viscous at temperatures between Thirty Two (32°F), and (150°F), (65°C);

- (3) Any garbage that has not been properly shredded and processed by both a garbage grinder and the units' sewer grinder; and, the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to review and approval of the DISTRICT Certified Operator.
  - (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not;
  - (5) Any water or wastes that contain iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the DISTRICT Board designee for such materials.
  - (6) Any water or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the DISTRICT Certified Operator as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of the jurisdiction for discharge to the receiving waters;
  - (7) Any radioactive wastes or isotopes such half-life or concentration as may exceed limits established by the DISTRICT Certified Operator in compliance with applicable State or Federal regulations;
  - (8) Any wastes or waters having a pH in excess of 9.0;
  - (9) Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time except as permitted by the DISTRICT Certified Operator in compliance with applicable State and Federal regulations;
  - (10) Any cyanide in excess of 1 mg/1 or not to exceed the levels established by the State or Federal regulations any time except as permitted by the DISTRICT Certified Operator in compliance with applicable State and Federal regulations;
  - (11) Materials that exert or cause:
    - (a) Unusual concentrations of inert suspended solids; such as, but not limited to; Fullers earth, lime, slurries, and lime residues or of dissolved solids; such as, but not limited to; sodium chloride and sodium sulfate;
    - (b) Excessive discoloration; such as, but not limited to; dye wastes and vegetable tanning solutions;
    - (c) Unusual BOD, Chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
    - (d) Unusual volume of flow or concentrations or water constituting "slugs" as defined here in; and,
  - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the agencies having jurisdiction over discharge to receiving waters.
- (E) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics in Section 4 of this Article, or which are in violation of the standards for pretreatments provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in judgment of the DISTRICT Certified Operator may have 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 DISTRICT Certified Operator may:
- (1) Reject wastes;

- (2) Require pretreatment to acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and,
- (4) Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 11 of this Article.
- (5) If the DISTRICT Certified Operator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, Ordinances, and laws.
- (F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the DISTRICT Certified Operator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, and sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
- (G) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (H) The owner of any property serviced by as building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of water and wastes to illustrate compliance with this Ordinance and any special conditions for discharge established by the DISTRICT or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the DISTRICT, but not less than once per year. The industry must supply a computer 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 DISTRICT as such times an in such a manner as prescribed by the DISTRICT. The owner shall bear the expense of all measurements, analyses, and reporting required by the DISTRICT. At such times as deemed necessary, the DISTRICT reserves the right to take measurements and samples for analyses by an outside laboratory service.
- (I) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the Ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas, pHs are determined from periodic grab samples.
- (J) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the DISTRICT and any industrial concern whereby an industrial waste of unusual strength, volume, or character may be accepted by the DISTRICT for treatment, subject to payment; therefore, by the industrial concern provided, such payments are in accordance with Federal and State guidelines for User Charge System.

### **3-1-5 PROTECTION OF SEWERAGE WORKS FROM DAMAGE**

No unauthorized person shall maliciously, willfully, negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works. Any person violating this provision shall be subjected to immediate arrest under charge of disorderly conduct.

### **3-1-6 POWERS AND AUTHORITY OF INSPECTORS**

- (A) The DISTRICT Certified Operator and other duly authorized employees of the DISTRICT, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.
- (B) The DISTRICT Certified Operator or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having direct bearing on the kind and source or discharge to the sewers or waterways or facilities for waste treatment.
- (C) While performing necessary work on private properties referred to in Section 6, above, the DISTRICT Certified Operator or duly authorized employees of the DISTRICT, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the DISTRICT and the DISTRICT shall be held harmless for injury or death to the DISTRICT employees against liability claims and demands for person injury or property damage asserted against the DISTRICT and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the DISTRICT to maintain conditions as required by Ordinance.
- (D) The DISTRICT Certified Operator and other duly authorized employees of the DISTRICT bearing proper credentials and identification shall be permitted to enter all private properties through which the DISTRICT holds duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent works, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **CHAPTER 2 – WASTEWATER SERVICE CHARGES**

### **SECTIONS:**

#### **3-2-1 WASTEWATER SERVICE CHARGES**

#### **3-2-2 GENERAL PROVISIONS**

#### **3-2-3 EFFECTIVE DATES OF RATES**

#### **3-2-1 WASTEWATER SERVICE CHARGES**

- (A) Basic user charge: **\$55.00** per month within the Lost Lake development and Flagg Estate subdivision. *(12/1/2012 amended)*

*\$39.56 (3/16/2010 amended)*

*\*Basic user charge: \$5.00; within the Lost Nation and New Landing developments and Flagg Estate subdivision.*



- (B) Consumers residing outside the Lost Lake development and Flagg Estate subdivision shall pay a rate as the DISTRICT may determine after petition and review based upon the circumstances involved;
- (C) An availability charge of **\$12.34** per month per lot *(3/21/2023 amended)* shall be required of the owner of each undeveloped property within the Lost Lake development and Flagg Estate subdivision. A residential user whose home/residence extends beyond one lot shall not pay a sewer availability charge ~~of \$5.00 per month~~ on a lot that has any portion of the house or existing driveway encroaching on an adjacent lot. (this does not include fences, sheds, or any temporary buildings or structures, or detached building except for the primary garage)
- ~~\*\$12.10 (1/18/2022)~~  
~~\*\$11.00 (12/1/2012 amended)~~  
~~Within the Lost Nation, New Landing a.k.a. Lost Lake development and Flagg Estate subdivision: \$11.37 per 1000 gallons. (3/16/2010 amended)~~  
~~\*An availability charge of \$8.77 per lot shall be required of the owner of each undeveloped property within the Lost Nation, New Landing, a.k.a. Lost Lake developments and Flagg Estates subdivision. A residential user whose home extends beyond one lot shall pay availability on each additional lot within the Lost Nation, New Landing, a.k.a. Lost Lake development and Flagg Estate subdivision. (3/16/2010 amended)~~  
~~\*An availability charge of \$7.31 per lot shall be required of the owner of each undeveloped property within the Lost Nation and New Landing developments and Flagg Estates subdivision. A residential user whose home extends beyond one lot shall pay availability on each additional lot within the Lost Nation, New Landing, and Flagg Estates development.~~

### **3-2-2 GENERAL PROVISIONS**

- (A) Billing; Utility Shut-off; Hearing *(1/20/2009 amended)*
- (1) All bills for service shall be due and payable upon presentation. If a bill is not paid within thirty (30) days of the billing date a penalty of Twenty Dollars (\$20.00) shall be added thereto for administrative costs.
  - (2) If a homeowner fails to pay the utility bill within forty-five (45) days of mailing by first-class mail, the water service shall be terminated as per the date on the Final Notice, and they will be notified also by first-class mail that their property may be subject to collection proceedings and the lien process on the specified property, not to exclude other properties owned.
  - (3) If an availability (only) customer fails to pay the availability fee within sixty (60) days of mailing by first-class mail, they will be notified that their property may be subject to collection proceedings and the lien process on the specified property, not to exclude other personal properties owned.
  - (4) If the Consumer who has been notified for nonpayment of utility bills is not the owner of record then the DISTRICT shall notify the owner of the property by first-class mail.
  - (5) Should the notice be returned non-accepted, the DISTRICT shall also have the right to terminate the Consumer's utility service without further proceedings.
  - (6) One the utility services have been disconnected the same shall not be again connected or used, until all delinquent accounts and bills of service are paid in full, including a fee of One Hundred Dollars (\$100.00) for each connection of such utility services.
- (B) Lien – Notice of Delinquency: Whenever a bill service remains unpaid for ninety (90) days for a bi-monthly service after it has been rendered, the DISTRICT designee shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the

DISTRICT claims a lien for the amount as well as all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the DISTRICT designee has notice of this, notice shall be mailed to the owner of the premises, if the address is known to the designee. The failure of the DISTRICT designee to record such lien or to mail such notice or failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

- (C) Foreclosure of Lien: Property subject to lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in foreclosure and statutory liens. Such foreclosures shall be by bill-in equity in the name of the DISTRICT. The DISTRICT attorney is hereby authorized and directed to institute such proceedings in the name of the DISTRICT in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for forty-five (45) days in case of a monthly bill or one-hundred-five (105) days in case of a bi-monthly bill after it's been rendered.
- (D) Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the account of the Utility. All such revenues and moneys shall be held by the DISTRICT Treasurer separate and apart from his/her private funds and separate and apart from all other funds of the DISTRICT and all of said sum, without any deductions whatsoever, shall be delivered to the DISTRICT Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Chairman of the Board of Trustees. The DISTRICT Treasurer shall receive all such revenues from the system, all other funds and moneys incident to the operation of such system as the same may be delivered to him/her and deposit the same in the account of the fund designated by the DISTRICT. Said Treasurer shall administer such fund in every respect in manner provided by the statute of the "Revised Cities and Villages Act" effective January 1942.
- (E) Accounts: The DISTRICT Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete entries shall be made of all transactions relative to the sewage system, and at regular annual intervals, the Treasurer shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewage system. In addition to customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet the regulations. In this regard, the financial information to be shown in the audit report shall include the following:
  - (1) Debt service for the next succeeding fiscal year;
  - (2) Number of users connected to the system;
  - (3) Number of non-metered users; and.
  - (4) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.
- (F) Access to Records: The IEPA or the USEPA or its authorized representative shall have access to any books, documents, papers, and records of the DISTRICT, which are applicable to the DISTRICT system of user charges for the purpose of making audit, examination, excerpts, and transcriptions hereof to insure compliance with the terms of any special and general Conditions of any federal grant and/or loan agreement and rules of any State loan.

### **3-2-3 EFFECTIVE DATE OF RATES**

The rates and service charges established for the user chargers in this Chapter shall be effective as of the first day of the month following the DISTRICT'S acquisition of the water and wastewater treatment facility. Subsequent changes in rates shall be effective on the first day of the month following the DISTRICT'S action changing the rate. The rates and subsequent changes shall be reflected on bills to be rendered for the next succeeding month for the monthly users and ~~on bills to be rendered for the next succeeding quarter for quarterly users.~~ on bills to be rendered for the next succeeding bi-monthly bill for bi-monthly users. *(1/20/2009 amended)*

## **CHAPTER 3 – PENALTIES AND VALIDITY**

### **SECTIONS**

#### **3-3-1 PENALTIES**

#### **3-3-2 VALIDITY**

#### **3-3-1 PENALTIES**

Any person, firm, or corporation violating any provision of the Article shall be guilty of a misdemeanor, and on conviction, thereof, shall be fined in an amount not less than Fifty Dollars (\$50.00) and not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Ordinance shall be liable to the DISTRICT in the amount of the fine by reasons of such violation.

#### **3-3-2 VALIDITY**

- (A) This Ordinance replaces any and all previous Ordinance, rules, and regulations, including those of the former New Landing Utility, Inc. governing the Water Utility System now owned and operated by the Lost Lake Utility District.
- (B) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.