

**TITLE 8: PUBLIC WAYS & PROPERTY**

**CHAPTER 2: VILLAGE WATER, SANITARY SEWER, AND STORM SEWER REGULATIONS**

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**8-2-1: DESIGNATION OF SYSTEM:**

The existing waterworks system, sanitary sewage system, and storm sewer system of the Village and all property, real, personal and mixed comprising or which will comprise the aforesaid systems is hereby combined into a single utility to be designated as the Combined Utility System of the Village (1971 Code;5-1-1). The combined utility will be responsible for the operation, maintenance, management, and improvement of the waterworks system, sanitary sewerage system and the storm sewer system, in accordance with all applicable permits, licenses, and regulations.

**8-2-2: COMPLIANCE WITH BUILDING CODE:**

All connections or tap-ins to the Combined Utility System of the Village and all matters relating thereto, including but not limited to, applications for service or for connection or for tap-in permits and issuance of such permits, permit fees, materials used and inspections shall be governed by the applicable provisions of the Village Building Code, the Village Code, and the Public Works Department Policy in force or as from time to time amended<sup>1</sup>. (1971 Code ' 65-1-2)

**8-2-2A: RIGHT OF ACCESS FOR OPERATION AND MAINTENANCE OF SYSTEM:**

- A. Ready Access: Employees of the Public Works Department or such persons authorized by a Village official shall have the right of access to any premises served by the Combined Utility System for the purpose of reading meters, whenever necessary as determined by a Village official, or for the purpose of making inspections and/or repairs in order to maintain in good condition and provide for the protection of said systems and the efficient management thereof. Such right of access shall be at any time between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M. of any day. Where such inspections are not of an immediate or urgent nature and are inconvenient to one or both parties, the employees shall arrange for appointments mutually convenient to the persons of the premises served and said employees.
- B. Interfering With, Obstructing Village Officials: It shall be unlawful to interfere with, prevent or obstruct employees of the Village or persons authorized by the Village from the work described herein. No person shall in any manner obstruct, or cause to be obstructed the free access of any duly authorized official or employee of the Village to any stopcock, water meter, buffalo or shutoff box or connection with any water main or service pipe by means of any personal material, brick, building material, enclosure or by any other means or device whatsoever, or to prevent free access thereto by such official or employee whenever such official or employee shall desire access thereto. Any person refusing the right to permit the said employees of the Combined Utility System the above described right of access to their premises shall be subject to cessation of utility services until the required opportunity to inspect is accorded the officials and employees of the Village. (Ord. 88-1029-61)

**8-2-3: WATER AND SANITARY SEWER CONNECTIONS REQUIRED:**

Every building within the Village not connected to the Village water system on the effective date of this Ordinance shall connect to the Village water system within one hundred twenty (120) days of the date a service water main first comes within one hundred fifty (150) feet of a boundary line of the lot or parcel on which the building is located, unless a valid variance postponing connection of the lot or parcel to the Village water system has been granted, in which event connection shall be made within one hundred twenty (120) days after the expiration of the variance. The Village water main must be extended from its existing terminus (i.e., within one hundred fifty (150) feet from the lot or parcel) to the far boundary line of the lot or parcel on which the building is located in the process of providing water from the Village water system to the building. Upon connection of the building to the Village water system, all existing wells or private water support piping shall be disconnected from the potable water piping of the building.

- A. Except on any lot or parcel no boundary line of which lies within one hundred fifty (150) feet of a Village service water main and except on any lot or parcel governed by a variance granted by the Village Board permitting postponement of connection to the Village water system, no private well or individual water supply system shall be constructed, installed or used in the Village for potable water supply and/or use in a buildings' plumbing system.
- B. On any lot or parcel within the Village which has a structure connected to the Village water system, the use of wells shall be restricted as follows:
  - 1. On any lot or parcel within the Village, a previously existing well may be used solely for the purposes of:
    - a. Irrigation; or

- b. Replacement of water lost by evaporation and/or percolation from a private decorative pond, which pond shall not exceed ten (10) percent of the total lot or parcel size exclusive of required yard areas; and
  - c. Said pond shall not be located in an easement, required yard, or conservancy area and shall be primarily for ornamental purposes; and the primary source of water for such pond shall be from storm water runoff; and
  - d. The preexisting well in order to be used in conjunction with said pond shall be limited in capacity to twenty (20) gallons per minute, shall be limited in depth to the shallow aquifer, shall not be located within two hundred (200) feet of another shallow well, and shall be subject to all State and County agencies having jurisdiction over well construction and operation.
2. Only on lots or parcels of three (3) acres or more, on which there is no previously existing well, one private well may be constructed or installed, provided that said well shall, in addition to being limited in capacity to twenty (20) gallons per minute and limited in depth to the shallow aquifer, not be located within one thousand (1000) feet of another shallow well, and the use of said well shall be limited to:
    - a. Irrigation;
    - b. Replacing water lost by evaporation and/or percolation from a private decorative pond, which pond meets the standards set forth in subsection 1(b), supra; and/or
    - c. Replacing water lost from a retention / detention basin by evaporation and percolation. The primary source of water for the retention / detention basin must be storm water, the sole use of the basin water external to the basin must be irrigation, and the basin must be located so as to receive the storm water runoff from the areas being irrigated.
  3. On any lot or parcel involuntarily annexed to the Village, wells preexisting the annexation may continue to be used for a period not to exceed ten (10) years from the effective date of the final Village action taken to annex the lot or parcel to the Village, unless the well and/or equipment necessary for its use earlier ceases to function sufficiently to serve the water needs of the building and/or to meet health and environmental regulations, in which case it must be abandoned if a Village water main is constructed or exists within one hundred fifty (150) feet of a boundary of the lot or parcel. These ten (10) year amortization grace periods apply to the lot or parcel only so long as it continues to be owned by those who owned it on the date of annexation or the date of approval of this Ordinance; a change in ownership obligates the new owner to connect to a Village service water main existing within one hundred fifty (150) feet of any boundary line of the lot or parcel within one hundred twenty (120) days of coming into title.
  4. Under no circumstances shall a well or irrigation system be cross connected to the Village water system or supply.
- C. No septic tank, or other individual sewage disposal system shall be constructed, installed, or used in the Village, except:
1. On any lot or parcel zoned R1 Single-Family Residential where a sanitary sewer service main is not within one hundred fifty (150) feet of the lot or parcel and the installation of said septic tank or disposal system is approved by the Lake County Board of Health; or

2. On any lot or parcel involuntarily annexed to the Village, a septic tank or disposal system approved by the Lake County Board of Health that preexisted the annexation may continue to be used for ten (10) years from the effective date of the final Village action to annex the lot or parcel to the Village, or the date of approval of this Ordinance, August 11, 2003, whichever is later, provided that if the septic tank and/or disposal system earlier ceases to function sufficiently to meet health and environmental regulations, it must be abandoned if a Village sanitary sewer main be within one hundred fifty (150) feet of a boundary of the lot or parcel. These ten (10) year amortization grace periods apply to the lot or parcel only so long as it continues to be owned by those who owned it on the date of annexation or the date of approval of this Ordinance, August 11, 2003, whichever is later; a change in ownership obligates the new owner to connect to a Village service sewer main existing within one hundred fifty (150) feet of any boundary line of the lot or parcel within one hundred twenty (120) days of coming into title.

D. The right to continue a well and/or septic tank or other individual sewage disposal system under the terms of this Code Section despite a Village water main and/or Village sanitary sewer main being within one hundred fifty (150) feet of a boundary of the lot or parcel, as a result of the involuntary annexation of the lot or parcel, shall terminate, even if the well or septic tank or other individual sewage disposal remains serviceable if:

1. The building served is being torn down, even if reconstructed; and/or
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. This subsection does not, however, include either:
  - a. Any project for improvement of a structure to comply with existing State of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - b. Any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

E. A variance may be granted by the Village Board of Trustees in its discretion for limited duration, qualified by reasonable terms and conditions established by the Village Board of Trustees tailored to the circumstances, upon application of a property owner whose lot or parcel is not already connected to the Village water system or sanitary sewer system upon a clear showing that complying with the requirements of this Ordinance would cause an undue hardship, except that no variance shall be granted where there is a Village water and/or sanitary sewer main within fifty (50) feet of a boundary line of the lot or parcel, and/or the lot or parcel for which the variance is sought is part of a new subdivision under development.

1. An application for a variance shall be made jointly by all of the titleholders of the lot or parcel affected or jointly by the trustee(s) and all beneficiaries of any land trust in which the lot or parcel affected is held requesting the variance.
2. The application shall be made on a form provided by the Village which shall, at a minimum, identify the lot or parcel affected by both its common address and its legal description, list the names of all titleholders, trustees, and beneficiaries, giving their respective residential addresses and identifying the interest of each in the lot or parcel affected, state clearly all of

the facts relied on for the claim of hardship giving rise to the request for variance and the exact variance relief requested from the Village Board (e.g., terms, conditions, duration of variance). The application shall be filed with the Village Manager or his/her designee.

3. The Village shall publish a notice of hearing on the application for variance in a newspaper of general circulation within the Village at least once not more than thirty (30) nor less than fifteen (15) days before the hearing on the application for variance to be held before the Village Board or its designee, which notice shall name the applicants, identify the lot or parcel by its common address and legal description, set forth the stated grounds given for the claim of hardship, and give the time and place of the hearing.
4. At the time and place noticed, an evidentiary hearing shall be held before the Village Board or its designee, at which time proof of the stated grounds for hardship shall be made by competent evidence and testimony for and against the variance; shall be made under oath; and shall be subject to cross-examination.
5. A variance may be granted only if the record of evidence received at hearing has established to the satisfaction of the Village Board that a hardship on the applicant(s) has been established and that the hardship is not outweighed by inconvenience and/or health, safety, and welfare concerns of the public. In reaching its conclusion, the Village Board shall consider, and its decision must be consistent with, the following standards:
  - a. Because of the particular legal, practical, topographical, or physical conditions of the property surrounding the specific lot or parcel involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
  - b. The conditions upon which an application for a variance is based are unique to the lot or parcel for which the variance is sought, or its owner(s), and are not applicable generally to other property or owners within the same area;
  - c. The purpose of the variance is not based primarily upon a desire to minimize financial burden;
  - d. The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having an interest in the lot or parcel;
  - e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the lot or parcel is located; and
  - f. The granting of the variance will not impair the availability of a healthy drinking water supply or a safe and healthy sewage disposal system to the lot or parcel for which application for variance is made, and/or neighboring properties.
6. The variance may be granted by a simple majority of the Village Board and shall be given in writing specifying the lot or parcel to which it is applicable and setting forth all the terms and conditions to which it is subject and the date of expiration.

- F. Temporary sewage disposal systems, such as portable toilets, are permissible for special events and similar temporary occasions with permission of the Village Manager or his/her designee. (Ord. 03-1858-35, eff. 8/11/03)

**8-2-3-1: WATER AND SANITARY SEWER CONNECTIONS, PROPERTIES LOCATED OUTSIDE VILLAGE LIMITS:**

A. Annexation Agreement Required. Any owner(s) of property located outside the Village limits who desires to connect his/her property to the Village's water and/or sanitary sewer system must apply to the Board of Trustees for permission to make any such connection(s). The owner(s) shall make application on a form to be provided by the Village. The owner(s) shall agree that they will not voluntarily annex to any other municipality so long as they are obligated hereby to annex to the Village.

1. Property Contiguous to the Village. The Board of Trustees shall not grant permission to make any such connection(s) to any owner whose property is contiguous to the Village unless and until the owner(s) files an unconditional petition to annex his/her property to the Village. The Village shall not be required to permit such annexation and may include conditions of annexation in any Annexation Agreement.
2. Property Not Currently Contiguous to the Village. The Board of Trustees shall not grant permission to make any such connection(s) to any owner(s) whose property is not contiguous to the Village at the time of the filing of the application unless and until the owner(s) enters into a written agreement with the Village, in the form approved by the Village, to file an unconditional petition to annex the property to the Village at the time that the property becomes contiguous to the Village. The Village shall not be required to accept such annexation at the time the property becomes eligible for annexation and may include conditions of annexation in any Annexation Agreement.

At a minimum, any Annexation Agreement shall require that security for the installation and maintenance shall be provided as required by the Village Subdivision Code, and any water and/or sanitary sewer system must be extended to the far property line of the property to be served.

3. Property Subject to an Intergovernmental Agreement. The remainder of this Section 8-2-3-1 shall not apply to any property located outside the Village's corporate limits for which an intergovernmental agreement either:
  - a. Requires the Village to make water and/or sanitary sewer service available to such property; or
  - b. Prohibits the subject property from annexing to any municipality other than the Village.

The owner of each property to which this paragraph (3) applies must apply to the Board of Trustees for permission to make any such connections(s). The owner(s) shall make applications on a form to be provided by the Village.

B. Service For More Than One Single Family Residence. The foregoing notwithstanding, the Village shall not approve any agreement to provide water or sanitary sewer service outside of the Village limits for any commercial enterprise or for any single family development of more than one dwelling unit except as follows:

1. A public hearing is held before the Village Board on the issue of providing such service; and
2. The issuance by the Village Board of a Certificate of Necessity approved by a vote of three-fourths (3/4) of the members of the Village Board then holding office based upon findings of

fact considering the following matters:

- a. Will the failure to permit the connection to Village systems result in some negative impact to the Village or its residents (such as the destruction of trees, the use of septic systems in an area where such system is not desirable, the use of a non-municipal sewerage system that is substandard or other health, safety or aesthetic matters)?; and
- b. In light of the potential for future annexation, will the provision of such sanitary sewer and/or water service enable the Village to assure a development that is compatible with the Village's comprehensive plan and adjacent Village development?

For purposes of this Subsection B, a property shall be deemed to be being developed for more than one unit if, considering the current or potential future zoning, the Village Manager is of the opinion that the property for which service is sought is capable of division into more than one buildable lot. The Village Manager may make such determination even if only one building permit is currently contemplated.

- C. Government Bodies. The Board of Trustees may grant permission to other governmental bodies which serve other municipalities in addition to the Village to connect to the Village's water and/or sanitary sewer systems without annexation if presently contiguous or without entering into a written agreement with the Village to annex the property at the time that said property becomes contiguous to the Village. If permission is granted by the Board of Trustees for such a connection, all out-of-pocket costs to the Village and all other expenses necessary to make the connection shall be borne by the governmental body requesting the connection. The permission to allow the connection to the Village's water and/or sanitary sewer systems by another governmental body shall remain in effect as long as that governmental body remains in unincorporated Lake County. When and if said governmental body annexes to any other municipality, other than the Village, the water and/or sanitary sewer connection will be disconnected and all costs for said disconnection shall be borne by the governmental body which requested said connection. All associated fees shall be paid by the governmental body requesting the connection in accordance with the requirements in this Village Code. (Ord. 01-1773-31, eff. 7/9/01)

### **8-2-3-2: SANITARY SEWERS, PROHIBITED CONNECTIONS AND FLOWS:**

- A. It is the purpose of this Section that the entry of extraneous flows of whatsoever nature into the sanitary sewer system of the Village be prohibited and be discontinued, whether such entry may be occurring accidentally or knowingly. Extraneous flows are those flows other than domestic sewage or industrial waste, including, without limiting the generality of the foregoing: ground waters, surface waters, storm waters, spring waters, and other drainage or clear waters. Only sewage shall be permitted to enter into said sanitary sewer system.
- B. Prohibited Acts:
1. It shall be unlawful to discharge or cause to be discharged, directly or indirectly, into the sanitary sewer system of the Village any matter other than sewage; and, without limiting the generality of the foregoing, it shall be unlawful to discharge or cause to be discharged, directly or indirectly, any ground waters, surface waters, storm waters, spring waters, other clear waters, or any other extraneous flows of whatsoever nature.
  2. It shall be unlawful to make a connection or to maintain or operate a connection which serves any home, building or any other establishment, premises or facilities, and which contributes,

directly or indirectly, to the sanitary sewer system of the Village, any ground waters, surface waters, storm waters, spring waters, other clear waters, or any other extraneous flows of whatsoever nature.

- C. All drains, pumps, or connections designed or intended to receive and discharge ground waters, surface waters, storm waters, spring waters, other clear waters, or other drainage or extraneous flows of whatsoever nature, shall be considered illegal connections if they discharge directly or indirectly into the Village sanitary sewer system. Such illegal connections include, but are not limited to, roof drains, down spouts, footing drains, areaway drains, drain tiles (and sump pumps used to collect and discharge same), yard drains, catch basins and inlets, and sump pumps used to discharge spring waters from basements or other areas, and any such connections shall not be allowed to discharge directly or indirectly into the sanitary sewers of the Village.
- D. The proper maintenance and operation of a building service sewer, house connection, or sanitary sewer line to the point of connection to the Village sanitary sewer system shall be the responsibility of the owner of the premises served by said sanitary sewer pipes. Maintenance means keeping the sanitary sewer connection, sewer lines or other sewer facilities or structures in satisfactory working condition and good state of repair (including but not limited to preventing any obstruction or extraneous materials or flows from entering said facilities, protecting said facilities from any damage, and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sewer facilities are at all times capable of satisfactorily performing the services and adequately discharging the functions and producing the final results and purposes said facilities are intended to perform, discharge, or produce.

The Village may make such tests and inspections of the Village sanitary sewer system as it deems necessary in order locate such illegal connections and sources of extraneous flows as may exist. The Village, at its option, may also invoke other legal powers vested in it or implied by the Constitution and Laws of the State of Illinois for the protection of the health, safety, and welfare of the public, or institute such legal action as it deems necessary to discover and order the disconnection of any illegal connections that may exist.

**8-2-3-3: WATER MAINS AND CONNECTIONS:**

No person shall uncover, make any connection(s) with, or opening into, use, alter, disturb, molest, injure, or in any manner whatsoever, interfere with any Village water main or appurtenance thereof without first obtaining a written permit from the Village. Written application for such permit shall be made to the Public Works Department of the Village on forms prepared and kept on file in the office of said Department. (Ord. 87-944-30)

**8-2-3-4: WASTEWATER REGULATIONS**

**8-2-3-4A: USE OF PUBLIC SANITARY SEWERS REQUIRED:**

- A. Prohibited Discharges, Deposits:
1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.
  2. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter. (Ord.



78-524-13)

3. It shall be unlawful for any person to discharge sanitary and/or industrial waste water into any storm sewer or drainage ditch within the Village, or within any area under the jurisdiction of the Village. (Ord. 86-870-07)
- B. Privies, Cesspools Prohibited: 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.
- C. Mandatory Connection: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right of way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so. Within the same ninety (90) day timeframe, the private sewage disposal system shall be cleaned of sludge and filled with clean back-run gravel or other approved granular material. (Ord. 78-524-13; amd 1984 Code)

**8-2-3-4B: PRIVATE SEWAGE DISPOSAL:**

- A. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Village, or any health office or department having jurisdiction. (Ord. 78-524-13)

**8-2-3-4C: BUILDING SANITARY SEWERS AND CONNECTIONS:**

- A. No unauthorized person shall uncover, make any connection(s) with, or opening into, use, alter or disturb, molest, injure or in any manner, whatsoever, interfere with any Village sanitary or storm sewer or appurtenance thereof without first obtaining a written permit from the Village. Written application for such permit shall be made to the Village on forms approved by the Village. (Ord. 87-944-30)
- B. All disposal by any person into the sanitary sewer system is unlawful except those discharges in compliance with applicable Federal standards and more stringent State and local standards.
- C. There shall be two (2) classes of building sanitary sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Public Works and Village Engineer. A permit and inspection fee as stipulated in Title 1, Chapter 15 of this Code for a residential, commercial, or industrial building sewer permit shall be paid to the Village at the time the permit is issued. Any industry, as a condition of permit authorization, must provide information describing its wastewater constituent, characteristics, and type of activity.
- D. A building sanitary sewer permit will only be issued and a sanitary sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sanitary 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 incidental to the installation and connection of the building sanitary sewer

shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer.

- F. A separate and independent building sanitary 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 sanitary sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sanitary sewer from the front building may be extended to the rear building and the whole considered as one building sanitary sewer.
- G. Old building sanitary sewers may be used in connection with new buildings only when they are found, on examination and tested by the Village Manager or his/her designee, to meet all requirements of this Chapter.
- H. The size, slope, alignment, and materials of construction of a building sanitary sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village Manager or his/her designee before installation.
- I. The applicant for the building sanitary sewer permit shall provide twenty four (24) hours-notice to schedule an inspection for connection to the public sewer. The actual connection shall be made under Village supervision.
- J. All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

**8-2-3-4D: USE OF THE PUBLIC SANITARY SEWERS:**

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Village Manager or his/her designee, that such wastes can harm either the sanitary 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/her opinion as to the acceptability of these wastes, the Village Manager or his/her designee will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials of construction of the sanitary sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies.

The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), sixty-five degrees Centigrade (65°C).
2. Any waters or wastes containing toxic or poisonous materials or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F), zero and sixty-five degrees Centigrade (0 and

65°C).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village Manager or his/her designee.
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment facility exceeds the limits established by the Village Manager or his/her designee for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of nine and five-tenths (9.5).
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 Village in compliance with applicable State and Federal regulations.
10. Any cyanide in excess of 0.025 mg/1 at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
11. Materials which exert or cause:
  - a. Unusual concentration or 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 biochemical oxygen demand (BOD), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment facility;
  - d. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

"Slugs" as used herein shall mean the intermittent or short period discharge of wastewater, the characteristics of which intermittent discharge shall exceed the concentration of prohibited substances as defined in this Section. (Ord. 78-524-13)
12. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
13. Any waters or wastes having a pH lower than five and five-tenths (5.5) or having any other

corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

14. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sanitary sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 78-535-25)
  - a. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
  - b. If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewer, which waters contain the substances or possess the characteristics enumerated in Section 5-6-4A, and/or which are in violation of the standards for pretreatment provided in chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
    - 1) Reject the wastes;
    - 2) Require pretreatment to an acceptable condition for discharge to the public sanitary sewers;
    - 3) Require control over the quantities and rates of discharge; and/or
    - 4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sanitary sewer charges.

If the Village permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Manager or his/her designee and subject to the requirements of all applicable codes, ordinances, and laws.

- B. The owner of any property serviced by a building sanitary sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

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

for analysis by an outside laboratory service.

- C. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, in accordance with applicable Village provisions by the industrial concern, provided such payments are in accordance with Federal and State guidelines for user charge system and industrial cost recovery system. (Ord. 78-524-13)
- D. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village, and shall be located as to be readily and easily accessible for cleaning and inspection.
- E. 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.
- F. Each industry shall be required to install a control manhole and, when required by the Village, the owner of any property serviced by a building sanitary sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his/her expense, and shall be maintained so as to be safe and accessible at all times.
- G. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at 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 sanitary sewer to the point at which the building sanitary 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 analysis 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, a BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples. (Ord. 78-535-25)

**8-2-3-4E: PROTECTION OF SEWAGE WORKS FROM DAMAGE:**

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

**8-2-3-4F: POWERS AND AUTHORITY OF INSPECTORS:**

- A. The Village Manager or his/her designee and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of

inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village Manager or his/her designee shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or waterway or facilities for waste treatment.

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

**8-2-3-4G: PENALTIES:**

- A. Any person found to be violating any provision of this Chapter, except Section 5-6-5, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations, The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Chapter.
- B. Any person who shall continue any violation beyond the time limit provided for in this Section shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in Title 1, Chapter 17 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**8-2-4: RESTRICTED USE OF WATER:**

- A. Outside of Building Use: All outside-of-building uses of water, except those uses described herein, shall be restricted to an odd/even schedule. Addresses which end in an even number (0, 2, 4, 6, 8) shall be allowed to use potable water outside on calendar days which are even as well. Addresses which end in an odd number (1, 3, 5, 7, 9) shall be allowed to use potable water outside on calendar days which are odd.

Additionally, lawn sprinkling shall be prohibited during the hours between one o'clock (1:00) p.m. and seven o'clock (7:00) p.m. on each day of the week during the effective dates. (Ord. 15-3376-103, eff. 9/28/15)

1. Effective dates: This regulation is in effect from May 15 through September 15 of each year.
2. Excluded activities: The following activities are exempt from the Outside of Building Use restrictions:
  - a. Firefighting and other activities related to the protection of the health, safety, and welfare of the community;
  - b. Municipal operations such as street sweeping, hydrant flushing, and other activities performed by Village personnel or by Village contractor under direction of the Village (Or. 15-3376-103, eff. 9/28/15);
  - c. Construction activity under a valid building or site work permit, including dust

control and other erosion and sediment control measures;

- d. Irrigation from non-public sources of water;
- e. Attended watering from hand-held devices of trees, flowers, or vegetable gardens, displays, baskets, or other similar vegetation, exclusive of lawns; and
- f. Other activities substantially similar in nature to the foregoing uses which are approved by the Village Manager or his/her designee.

**B.** Emergency Conditions: Whenever the Mayor of the Village, or if absent, the Village Manager, upon consultation with a qualified engineer, deems that, because of: (I) the breakage of main, branches, service pipes, apparatus, or plant or any part or portion of said system or plant, or (ii) an inadequate water supply or inadequate facilities for distribution of water in relation to reasonable estimates of anticipated demand for water; the Village will be unable to provide unlimited water supply to customers served by the Village water system, and that the health, safety, and welfare of the citizens of the Village may be threatened if unlimited water consumption is permitted, he or she shall file a report of his determination in the office of the Village Clerk. In determining whether such restrictions are necessary, there shall be considered the then current rate of water usage, the types of usage, the amount of stored water in the Village reservoirs, and the minimum reserve necessary for fire protection, among other items. The report shall first state the conditions and factors which are the basis of the conclusion that unlimited water cannot be supplied, and the precise restrictions of use that are necessary in his/her judgment to protect the health, safety, and welfare of the citizens of the Village. The report shall further state the period of time, in addition to those set forth in subsection 8-2-4A, that such restrictions shall be applicable. The Village Manager or his/her designee shall file the report within 48 hours of the initiation of the restriction. The Village shall utilize its best efforts to provide public notice to its customers of the restrictions. Such public notice shall state the precise nature and estimated duration of the restrictions placed upon water consumption. The Village Manager shall also request appropriate news coverage by the newspapers circulated in the Village. (Ord. Amd. 05-1989-53, eff. 9/12/05)

**C.** Prohibited Uses: It shall be unlawful for any person to use or consume water, to cause water to be used or consumed, or to permit the use or consumption of water on property or premises under the control of said person, in violation of the restrictions stated above in subsections A and B. (Ord. 77-488-22)

**8-2-5: LIABILITY OF VILLAGE:**

All water and sanitary sewer service supplied by the Combined Utility System of the Village shall be provided on the express condition that the Village shall not be liable for, nor shall any claim be made against it for, damages or injuries caused by reason of the breakage of any main, trunk, branches, service pipes, apparatus, or appurtenances connected with the system or plant or any part or portion of said system or plant or for any interruption of such service by reason of the breakage of machinery or by reason of stoppage, alteration and extensions or for any costs incurred as a result thereof. (1971 Code '65-1-7)

**8-2-6: INTERFERENCE WITH SYSTEM PROHIBITED:**

It shall be unlawful for any person to in any manner interfere with or obstruct in any manner whatsoever the operation of the Combined Utility System of the Village or to cause or permit such interference or obstruction. (1971 Code '65-1-8)

**8-2-7: VIOLATIONS; PAYMENT TO AVOID PROSECUTION:**

Any person charged with the offense of violating Section 8-2-4C may avoid prosecution for said offense by making payment, in person to the Village Clerk between the hours of eight-thirty (8:30) A.M. and four-thirty (4:30) P.M., Monday through Friday, legal holidays excepted, subject to the fine set forth in the Comprehensive Fine Schedule of Title 1, Chapter 17 of this Code. Failure to make such payment will result in the filing of a complaint, a subpoena being issued, and an appearance will be required in the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois. For the purpose of this section, each day the prohibited consumption continues shall be considered a separate violation. (Ord. Amd. 05-1989-53, eff. 9/12/05) (Ord. Amd. 10-3131-08, eff. 3/2/10)



**CHAPTER 2A**  
**VILLAGE WATER AND SANITARY SEWER REGULATIONS**  
**ARTICLE A. WATER, SANITARY SEWER, & STORM SEWER RATES**

**SECTION:**

- 8-2A-1: Sanitary Sewer Rates**
- 8-2A-2: Water Rates**
- 8-2A-3: Rates Outside the Corporate Village Limits**
- 8-2A-4: Billings and Billing Periods**
- 8-2A-5: Liability for Payment**
- 8-2A-6: Lien Upon Real Estate**
- 8-2A-7: Discontinuing Service**
- 8-2A-8: Collection and Accounting of Funds**
- 8-2A-9: Provisions Filed with Recorder as Notice**

**8-2A-1: SANITARY SEWER RATES:**

- A. There are hereby established rates for and charges for use of and for the service supplied by the sanitary sewage system of the Village as follows: (Ord. 81-667-20)
  
- B. For service within the corporate Village limits, the basic user charge as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code per one thousand (1,000) gallons, based on water usage as recorded by water meters and/or sewage meters. (Amd. Ord. 96-1535-19, eff. 5/13/96)
  - 1. 5-day, 20E centigrade BOD of 240 mg/l.
  - 2. Suspended solids (SS) of 240 mg/l. (Ord. 92-1243-21; Amd. Ord. 93-1282-12, eff. 5/10/93)
  
- C. The Village reserves the right to require testing for concentrations of biochemical oxygen of suspended solids discharged by user of the system and to require a surcharge for concentrations above a certain level if required by Lake County or any other agency duly exercising jurisdiction in these circumstances. (Amd. Ord. 96-1535-19, eff. 5/13/96)
  - 1. For concentrations of BOD in excess of 240 mg/l, the surcharge as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code per excess pound of BOD in all wastewater discharged to the Village system.
  - 2. For concentration of SS in excess of 240 mg/l, the surcharge as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code per excess pound of SS in all wastewater discharged to the Village system.

Users who discharge wastewater subject to the surcharge shall have representative samples of their wastewater analyzed by independent laboratories, satisfactory to the Village, at quarterly intervals or intervals as determined by the Village Manager or his/her designee, and shall have the results of such analysis sent directly to the Village Manager or his/her designee.
  
- D. The minimum charge shall be calculated on a minimum usage of four thousand (4,000) gallons per month.

E. The charges for sanitary sewer service shall be made monthly for all users. The minimum charge shall be per the Village's utility billing schedule, as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code. Provided, however, that senior citizens shall be exempt from the requirement of a minimum charge and shall be charged solely on the basis of actual usage. For purposes of this provision, a senior citizen shall be defined as follows:

1. The owner of and residing in a single-family residence or individual apartment, condominium or townhouse unit in the Village upon which he or she is legally obligated to pay real estate property taxes.
2. Of the age of sixty five (65) years or older.
3. Whose household income as defined in Title 1-9-1 does not exceed the total maximum social security benefits allowed to be collected, and each senior citizen seeking exemption hereunder must file an annual application at the beginning of each calendar year for such exemption, on forms to be provided by the Village and with such accompanying documentation as may be requested by the Village. Upon receipt of any such application and such accompanying documentation as may be required, the Village Manager or his or designee shall, as soon as practicable thereafter, determine whether the applicant is entitled to an exemption hereunder. If the Village Manager determines that the applicant is not entitled to an exemption hereunder, the applicant shall be so notified in writing and shall have the right to appeal such decision to the Mayor and Board of Trustees whose decision shall be final. (Amd. Ord. 97-1535-59, eff. 11/10/97; Ord. 15-3388-115, eff. 12/14/15)

F. During the period of May 15 to September 15 of each year, sanitary sewer charges for residential sanitary sewer customers shall not exceed one hundred and twenty percent (120%) of the average usage for the preceding eight (8) month period as determined by the Village. Where sufficient information is not available, as in the case of a new customer, the credit will begin only after the accumulation of sufficient usage history takes place as determined by the Village. (Amd. Ord. 15-3388-115, eff. 12/14/15)

Commercial or industrial sanitary sewer customers may elect to enter into a Secondary Meter Agreement (commercial or industrial) with the Village of Lincolnshire whereby sanitary sewer charges for the period of May 15 to September 15 of each year are adjusted in accordance with the terms and conditions of the agreement. (Ord. 91-1204-17, Amd. Ord. 92-1252-30, eff. 5/11/92, Ord. 15-3388-115, eff. 12/14/15)

G. Laboratory Testing and Other Charges: Charges for the collection, sampling, laboratory testing, or analysis of sanitary sewage performed by or for the Village or its authorized agent, in order to ensure, monitor, or maintain the sanitary sewage system shall be considered as a charge for the use of and for the services supplied by the sanitary sewage system of the combined waterworks and sewage system of the Village. (Ord. 92-1261-39, eff. 8/10/92)

**8-2A-2: WATER RATES:**

There is hereby established rates or charges for the use of and for the service supplied by the waterworks system of the Combined Waterworks and Sewage System of the Village, based upon the amount of water consumed, as shown by the water meters, as follows: (Ord. 81-667-20)

A. For each user of the waterworks within the corporate limits the charge shall be in accordance with the fees as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (Ord. 92-1243-21; amd. Ord 93-1282-12 eff. 5/10/93)

- B. The minimum monthly charge for water service shall be based on four thousand (4,000) gallons. Provided, however, that senior citizens shall be exempt from the requirement of a minimum charge and shall be charged solely on the basis of actual usage. For purposes of this provision, a senior citizen is defined as:
1. The owner of and residing in a single-family residence or individual apartment, condominium or townhouse unit in the Village upon which he or she is legally obligated to pay real estate property taxes.
  2. Of the age of sixty five (65) years or older.
  3. Whose household income as defined in Title 1-9-1 does not exceed the total maximum social security benefits allowed to be collected, and each senior citizen seeking exemption hereunder must file an annual application at the beginning of each calendar year for such exemption, on forms to be provided by the Village and with such accompanying documentation as may be requested by the Village. Upon receipt of any such application and such accompanying documentation as may be required, the Village Manager or his designee shall, as soon as practicable thereafter, determine whether the applicant is a person entitled to an exemption hereunder. If the Village Manager determines that the applicant is not entitled to an exemption hereunder, the applicant shall be so notified in writing and shall have the right to appeal such decision to the Mayor and Board of Trustees whose decision shall be final. (Amd. Ord. 97-1535-59, eff. 11/10/97)
- C. When the term "user of the waterworks system" is used herein it is intended to, and shall be construed to, include each user of the waterworks system that has a separate water meter. For multiple-family residential buildings, if there is a single meter for the entire building, the entire building shall be considered a single user under this subsection; however, if any of the individual dwelling units have separate meters, those units with such separate meters shall be considered individual users of the waterworks system for the purpose of this subsection. (Ord. 81-667-20)

- D. A charge as published in the Comprehensive Schedule of Fees and Other Charges, latest edition per acre of a development site, with a one acre minimum charge, for all water used during construction on said development site. At the discretion of the Village, construction water may be charged based upon actual usage when it is anticipated that large volumes of construction water will be used. The Village shall provide a water meter to record consumption for billing purposes. A security deposit for the water meter shall be deposited with the Village and will be refunded when the meter is returned in satisfactory condition. (Ord. 87-934-20)(Ord. Amd. 99-1669-53, eff. 08/09/99)
- E. A charge as published in the Comprehensive Schedule of Fees and Other Charges, latest edition, for the cost of a water meter. (Ord. 91-1189-02) All water meters used to record consumption for billing purposes shall be provided to the user by the Village as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.
- F. Laboratory Testing and Other Charges: Charges for the collection, sampling, laboratory testing or analysis of water performed by or for the Village or its authorized agent, in order to ensure, monitor or maintain the waterworks system shall be considered as a charge for the use of and for the services supplied by the waterworks system of the Combined Utility System of the Village. (Ord. 92-1261-39 eff. 8/10/92)

**8-2A-3: RATES OUTSIDE THE CORPORATE LIMITS**

- A. Rate: The rate for sanitary sewer and water users outside corporate Village limits shall be 110% of the resident rate plus any applicable surcharge as set forth below. (Amd. Ord. 15-3388-115, eff. 12/14/15)
- B. Formula For Surcharge When There is Outstanding Bond Indebtedness Against Water Fund: In addition to the amount set forth in Paragraph A above, and if there is outstanding bonded indebtedness against the Water Fund, users of the water and/or sanitary sewer systems whose property is located outside of the corporate Village limits shall be surcharged for these services based upon the following formulas which will be updated annually by the Finance Department to be effective the first day of each fiscal year. For purposes of the following formulas, a K gallon is a Kilo gallon or one thousand (1,000) gallons of water or sanitary sewage.
  1. Water Rate Formula: The water system related portion of the most recent tax levy shall be divided by K gallons of water sold in the previous fiscal year. This amount will be equal to the bonded debt cost per K gallon of water sold.
  2. Sanitary Sewer Rate Formula: The sanitary sewer system related portion of the most recent tax levy shall be divided by K gallons of sanitary sewer flow in the previous fiscal year. This amount will be equal to the bonded debt cost per K gallon of sanitary sewage flow.

This formula shall be utilized for residential as well as nonresidential water/or sanitary sewer customers outside the corporate Village limits.

Water and sanitary sewer customers are intended to, and shall be construed to, include individual dwelling units in multiple-family residential buildings which have separate water meters for the purpose of determining the amount of water bills for such users of the water system.

- C. Laboratory Testing and Other Charges: Charges for the collection, sampling, laboratory testing, or analysis of water and/or sewage performed by or for the Village or its authorized agent, in order to ensure, monitor, or maintain the waterworks and/or sewage system shall be considered as a charge

for the use of and for the services supplied by the waterworks and/or sewage system of the combined waterworks and sewage system of the Village.

- D. Standard Rates: Water and sanitary sewer rates resulting from the above formulae shall be in accordance with the fees as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code. (Ord. 01-1773-31, eff. 7/9/01)

**8-2A-4: BILLINGS AND BILLING PERIODS:**

It is hereby made the duty of the Village Treasurer to render bills as herein provided for service, for laboratory testing and other charges, for all rates and charges in connection therewith, and to collect all monies due thereon. (Ord. 92-1261-39 eff 8/10/92; Ord. 15-3388-115, eff. 12/14/15)

The monthly rates for water and sewer service described in Sections 8-2A-1, 8-2A-2 and 8-2A-3 of this Chapter, shall all be computed in a manner to conform with billing periods of the Village as follows:

All meters shall be read and billed monthly. (Amd. Ord. 15-3388-115)

**8-2A-5: LIABILITY FOR PAYMENT:**

Said rates or charges for service established in this Article shall be payable as hereinafter provided. The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service supplied such premises and the service is supplied to such premises by the Village only upon the condition that the owner of the premises, occupant, and users of the service are jointly and severally liable therefore to the said Village. All bills for service shall, at the discretion of the Village Board, be rendered as of the first day of the month succeeding the period for which services are billed as provided in this Article, and shall be payable not later than the close of business on the twenty fifth calendar day of the month succeeding the period for which services are billed. If payment of the full amount of the current charges is not made within said period, and the unpaid portion (which shall then be deemed outstanding charges) is \$10 or more, then an amount equal to ten percent (10%) of the outstanding charges shall be added (e.g. bill was rendered January 1 for service from November 15 - December 15, and has not been paid as of close of business on January 25, and the outstanding charges are \$10 or more, a 10% late charge will be added to the outstanding charges of the January 1 bill). (1971 Code '65-2-5; and. Ord. 74-365-41) Such outstanding charges shall be deemed and are hereby declared to be delinquent (Ord. 87-934-20, Ord. 15-3388-115, eff. 12/14/15)

**8-2A-6: LIEN UPON REAL ESTATE:**

The Village may impose a lien upon real estate for any delinquent charges. Notice of such delinquencies shall be sent to the user of the service, the occupant, and if the user or occupant is not the owner to the taxpayer shown on the tax bill for the parcel involved as the owner of record, such notice to state that the delinquency if not paid shall constitute a lien on the real estate and thereafter such delinquencies shall constitute liens upon the real estate for which service is supplied, and the Village Treasurer is hereby authorized to, and may file a notice of, such lien in the office of the Recorder of Deeds of Lake County, Illinois, which said notice of such lien shall consist of a sworn statement setting out the name(s) of the owner(s) of the real estate; a description of the real estate upon or for which service was supplied; the amounts of monies due; and the date or dates when such amount or amounts became delinquent. A notice of said lien shall be sent to the taxpayer shown on the tax bill for the parcel involved as the owner of record. In all cases where a lien has been recorded, a release fee as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code shall be charged in addition to the delinquent water or sanitary sewer

charges plus current water or sanitary sewer charges. The failure of the Village Treasurer to record such notice of any such lien shall not affect the right to foreclose the lien for unpaid bill(s), or the right to pursue any other legal remedy. (Ord. 75-420-50; Amd. Ord. 93-1280-10 eff. 4/26/93; Amd. Ord. 15-3388-115, eff. 12/14/15)

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. The Village Attorney is hereby authorized to and may institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty five (45) days. (Ord. 87-934-20; Amd. Ord. 15-3388-115, eff. 12/14/15)

**8-2A-7: DISCONTINUING SERVICE:**

In the event the previous balance for services, as established in this Article, are not paid by the close of business of the twenty first calendar day of the following month (e.g. bill was rendered January 1 for service from November 15 - December 15, and has not been paid as of close of business on February 21), such service shall be discontinued the next business day after notice is given as provided below, and shall not be reinstated until all past due bills, including a Reinstatement of Utility Service Administration fee as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code for notification and all other penalties thereof are paid in full, together with payment made as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code for reinstating such service. (Ord. 87-934-20; Amd. Ord. 15-3388-115, eff. 12/14/15)

In addition, a Discontinuing Service Administration Fee, as established in the Comprehensive Fee Schedule set forth in Title 1, Chapter 15 of this Code will be charged for all bills past due \$50 or more as of the close of business on the tenth calendar day of the following month (e.g. bill was rendered January 1 for service from November 15 - December 15, and has not been paid as of close of business on February 10, and the past due amount is \$50 or more, a discontinuing service administration fee will be added to the January 1 bill per the comprehensive fee schedule). (Amd. Ord. 15-3388-115, eff. 12/14/15)

At least forty eight (48) hours before such service is discontinued, for nonpayment of charges, notice shall be given to the owner(s) of the premises, and to the occupants of the premises and users of the service if different than the owner(s), that such service shall be discontinued for nonpayment of charges. Notice shall be given by posting notice on the principal means of ingress/egress to the customer's premises and depositing the same in the U.S. mail, postage prepaid, addressed to the occupants of the premises, and to the owner(s) of the premises, at such addresses as are shown on the then most current records of the Village. Receipt of such notice shall be conclusively presumed from proof of mailing such notice as provided above and an affidavit of posting certified by an authorized officer of the Village. Service in any other manner where there is actual receipt of notice also shall be satisfactory service for the purposes of this Section. (Ord. 74-364-40; Amd. Ord. 15-3388-115, eff. 12/14/15)

**8-2A-8: COLLECTION AND ACCOUNTING OF FUNDS:**

(Deleted per Ord. 15-3388-115)

**8-2A-9: PROVISIONS FILED WITH RECORDER AS NOTICE:**

A copy of this Chapter, properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of Lake County and shall be deemed notice to all owners of real estate of their

liability for service supplied to any user of the service of the combined waterworks and sanitary sewage system on their properties. (1971 Code '65-2-9)

**CHAPTER 2B**  
**VILLAGE WATER AND SANITARY SEWER REGULATIONS**  
**ARTICLE B. CROSS-CONNECTION CONTROL; VILLAGE WATER SUPPLY SYSTEM**

**SECTION:**

- 8-2B- 1: Purpose**
- 8-2B- 2: Illinois Plumbing Code**
- 8-2B- 3: Prohibited Connections**
- 8-2B- 4: Duty of Village Official**
- 8-2B- 5: Right to Enter Property**
- 8-2B- 6: Discontinuance of Water Service**
- 8-2B- 7: Cost of Clean-Up of Potable Water Supply System**
- 8-2B- 8: Application of Rules and Regulations**
- 8-2B- 9: Policy**
- 8-2B-10: Definitions**
- 8-2B-11: Water System**
- 8-2B-12: Cross-Connection Prohibited**
- 8-2B-13: Survey and Investigation**
- 8-2B-14: Where Protection is Required**
- 8-2B-15: Type of Protection Required**
- 8-2B-16: Backflow Prevention Devices**
- 8-2B-17: Inspection and Maintenance**
- 8-2B-18: Booster Pumps**
- 8-2B-19: Violations**

**8-2B-1: PURPOSE:**

The purpose of these rules and regulations is:

- A. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures, and sources or systems containing substances of unknown or questionable safety.
- 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.

**8-2B-2: ILLINOIS PLUMBING CODE:**

All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Illinois Administrative Code 890. If in accordance with the Illinois Plumbing Code or in the judgment of the Building Official, an approved backflow prevention device is necessary for the safety of the public water supply system, the Village official will give notice to the water customer to install such an approved device immediately. The water customer shall, at his/her own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency, and all applicable local regulations, and also at his/her own expense shall have inspections and tests performed, and perform maintenance of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois



Environmental Protection Agency, local regulations, and manufacturer's installation requirements.

**8-2B-3: PROHIBITED CONNECTIONS:**

No person shall establish or permit to be established or maintained or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of the Village, unless such a private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Village official and the Illinois Environmental Protection Agency.

**8-2B-4: DUTY OF VILLAGE OFFICIAL:**

It shall be the duty of the Village official to cause surveys and investigations to be made of all 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 Village official shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

**8-2B-5: RIGHT TO ENTER PROPERTY:**

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

**8-2B-6: DISCONTINUANCE OF WATER SERVICE:**

The Village official is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he/she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter, and until a reconnection fee of five hundred dollars (\$500.00) is paid to the Village. Immediate disconnection with a verbal notice can be effected when the said Village official is assured that the 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 said Village official, or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the Village official, or its agents or assigns shall be liable to any customer for any injury, damages, or lost revenues which may result from termination of said customer's water supply in accordance with the

terms of this Article, whether or not said termination was with or without notice.

**8-2B-7: COST OF CLEAN-UP OF POTABLE WATER SUPPLY SYSTEM:**

The consumer responsible for back-siphoned or back-pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system and all other costs incurred.

**8-2B-8: APPLICATION OF RULES AND REGULATIONS:**

These rules and regulations shall apply to all premises served by the public potable water supply system of the Village.

**8-2B-9: POLICY:**

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 customer's water service connection. If, in the judgment of the Village official or his/her authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, said Village official shall give notice to customers 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/her 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 below for a period of at least five (5) years. The Village official may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether service line protection will be required. All cross-connection control device inspections shall be conducted by a cross-connection control device inspector certified by the Illinois Environmental Protection Agency. Cross-connection surveys shall be performed by the Village official or his/her authorized agent(s).

**8-2B-10: DEFINITIONS:**

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

AGENCY	The Illinois Environmental Protection Agency.
APPROVED	Approved by the code official or other authority having jurisdiction. All devices used for back-flow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
AUXILIARY WATER SYSTEM	Any water source or system 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 another source such as wells, lakes or streams, or 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.

BACKFLOW	The flow 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.
BACKFLOW PREVENTER or BACKFLOW PREVENTION DEVICE	Any approved device, method, or type of construction intended to prevent backflow into a potable water system.
CONSUMER or CUSTOMER	The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
CONSUMER'S WATER SYSTEM	Any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.
CONTAMINATION	The introduction into the potable water supply of chemicals, wastes, or sewage which will render the water unfit for its intended purpose.
CROSS-CONNECTION	Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems.
CROSS-CONNECTION CONTROL DEVICE	See Backflow preventer. Backflow prevention device.
INSPECTOR or CCCDI	A person who has successfully completed Agency sponsored training and certification to install and test backflow and cross-connection control devices, and is authorized by the Village to conduct such device testing.
DIRECT CROSS- CONNECTION	A cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
DOUBLE CHECK VALVE ASSEMBLY	An assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.
FIXED PROPER AIR GAP	The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
HEALTH HAZARD	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 "severe" 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 the quality of life.
INDIRECT CROSS CONNECTION	A cross-connection through which an unknown substance can be

	forced, drawn by vacuum or pressure, siphoned, or otherwise introduced into a safe potable water system.
INSPECTION	A plumbing inspection to examine all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Illinois Administrative Code 890 and local amendments.
NONPOTABLE WATER	Water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Illinois Administrative Code 604.
PLUMBING	<p>The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing appurtenances in connection with sanitary drainage or storm drainage facilities; venting systems and public or private water supply systems; within or adjacent to any building or structure, or located on the property.</p> <p>Not included in this definition are installations of; gas piping, water piping in connection with refrigeration, process and comfort cooling, hot water piping in connection with building heating, and piping for fire sprinklers and standpipes, except where any portion of the potable water supply system may come in contact with, or be connected to any such installations.</p>
POLLUTION	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.
POTABLE WATER	Water which meets the requirements of 35 Illinois Administrative Code 604 for drinking, culinary, and domestic purposes.
POTENTIAL CROSS- CONNECTION	A fixture or appurtenance which would facilitate extension of the water supply line.
PROCESS FLUID(S)	<p>Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>A. Polluted or contaminated waters;</li> <li>B. Process waters;</li> <li>C. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;</li> <li>D. Cooling waters;</li> <li>E. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;</li> </ul>

	<p>F. Chemicals in solution or suspension;</p> <p>G. Oils, gasses, acids, alkalis and other liquids and gaseous fluids used in industrial or other processes, or for firefighting purposes.</p>
PUBLIC WATER SUPPLY	All mains, pipes and structures 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. The "public water supply" shall refer to the waterworks system of the Village.
REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE OR RPZ	A device consisting of two (2) independently acting check valves, spring loaded to a closed position and separated by an intermediate or chamber in which there is an automatic relief vented to atmosphere, spring loaded to the open position.
SERVICE CONNECTION	The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
SURVEY	The collection of information pertaining to a customer'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 customer's piping system. This survey must be in written form, and should not be an actual plumbing inspection. This survey is to be conducted every two (2) fiscal years by the Village.
SYSTEM HAZARD	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.
USED WATER	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.
VILLAGE	The Village of Lincolnshire.
VILLAGE OFFICIAL	The designee of the Village Manager or other representative of the Village authorized or responsible to operate or protect the public water supply.
WATER PURVEYOR	The owner or official custodian of a public water system.

**8-2B-11: WATER SYSTEM:**

- A. The water system shall be considered as made up of two (2) 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 Village official 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 which are under the control of the Village.
- 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 up to the water shut-off, commonly known as the B-box and located in the right of way. The water meter shall be the responsibility of the Village.
- E. The consumer's water system shall include all parts of the facilities beyond the water shut-off, commonly known as the B-box used to convey water from the public water supply distribution system to points of use.

**8-2B-12: 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 or methods are installed, tested, and maintained to ensure proper operation on a continuing basis.
  - 1. 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 or approved laboratory.
  - 2. There shall be no arrangement or connection by which an unsafe substance may enter a supply.

**8-2B-13: SURVEY AND INVESTIGATIONS:**

- A. The consumer's premises shall be open at all reasonable times to the Village official, his/her authorized agent, or authorized cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair, and maintenance of cross-connection control devices within the consumer's premises.
- B. On request by the Village official, his/her authorized agent, or authorized cross-connection control devices inspector, the consumer shall furnish information regarding the piping system or systems of water use within the customer's premises. The consumer's premises shall be open at all reasonable times to said Village official for the verification of information submitted by the inspected consumer to the public water supply custodian regarding cross-connection inspection results.
- C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3 and local amendments or ordinances.
- 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 instructions.
3. Cross-connection control devices of the reduced pressure principle type shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI) and authorized by the Village to perform such inspections. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
4. Testing and Records:
  - a. Each reduced pressure principle backflow prevention device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer. All other devices shall be tested in accordance with the manufacturer's instructions.
  - b. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with 415 ILCS 5/4 and local amendments or ordinances.
  - c. Each device shall have a log or tag attached or maintained listing the date of most recent test, name of the CCCDI, and type of device and date of repairs.
  - d. A maintenance log shall be maintained on site and include:
    1. Date of each test;
    2. Name and approval number of person performing the test;
    3. Test results;
    4. Repairs and servicing required;
    5. Repairs and date completed;
    6. Servicing performed and date completed; and
    7. Manufacturer's installation and testing instructions.

E. Any existing connection to, or premises served by the potable water supply system which is identified from the survey as needing the installation of a cross-connection control device, and that does not have such a device properly installed, shall have no more than thirty (30) days from the date of notice provided by the Village official, or his authorized agent, to install an approved cross-connection control device. If such a cross-connection control device is not installed by the consumer within said thirty (30) days, the water service to said premises may be discontinued or denied in accordance with Section 8-2B-19 of this Article.

**8-2B-14: 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 Illinois Administrative Code 890 and the Agency's regulations 35 Illinois Administrative Code 680 and local amendments or ordinances. 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 Village official, actual or potential hazards to the public water supply system exist. At a minimum, all service connections shall be designated as low hazards. An approved "dual check valve" assembly shall be installed on all single-family residential

units connected to the public water supply.

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 Village official and the source is approved by the Illinois Environmental Protection Agency.
2. Premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Village official.
3. Premises having internal cross-connections that, in the judgment of the Village official and/or the cross connection control device inspector, are not correctable or having intricate plumbing arrangements which make it impractical to determine whether cross-connection exists.
4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
5. 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 Illinois Administrative Code 890 and the Agency's regulations 35 Illinois Administrative Code 653.

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 Village official determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes.
2. Laboratories.
3. Piers, docks, waterfront facilities.
4. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
5. Food or beverage processing plants.
6. Chemical plants.
7. Metal plating industries.
8. Petroleum processing or storage plants.
9. Radioactive material processing plants.
10. Car washes.
11. Pesticide, or herbicide or extermination plants and trucks.



12. Farm service and fertilizer plants and trucks.

**8-2B-15: TYPE OF PROTECTION REQUIRED:**

- A. The type of protection required under Section 8-2B-14 of these regulations 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.
  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. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle 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 nonpotable 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.
- C. All other fire safety systems 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.

**8-2B-16: BACKFLOW PREVENTION DEVICES:**

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 or American Society of Sanitary Engineering.

**8-2B-17: INSPECTION AND MAINTENANCE:**

- A. It shall be the duty of the consumer on any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance, and repair in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
1. Fixed proper air gap separation 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 bypassed air gaps shall be made within twenty four (24) hours.

2. Double check valve assemblies shall be inspected and tested at time of installation and as required by the manufacturer, 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.
- B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be submitted to the Village in writing. The Village may establish policies, procedures, and/or fees by which to authorize the cross-connection control device inspector to perform inspection and testing on any device connected to the waterworks system of the Village.
- C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, type, and date of repairs.
- D. A maintenance log shall be maintained on site 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;
  4. Repairs or servicing required;
  5. Repairs and date completed;
  6. Servicing performed and date completed; and
  7. Manufacturer's maintenance manual.
- E. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced in the time period specified in subsection 8-2B-17A at the expense of the consumer.
- F. Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the Village official.
- G. If, in the opinion of the Village official, the installed device located on any premises connected to the potable water supply is not being maintained in accordance with the manufacturer's minimum testing interval or annually, whichever is more frequent, then the Village shall conduct the test or have the tests conducted and the costs of such test, plus an administrative cost, shall be borne by the customer.

**8-2B-18: BOOSTER PUMPS:**

- A. Where a booster pump has been installed on the service line to or within any premises such a pump shall be equipped with a low-pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.
- B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper

working order and to certify to the Village official, upon request, but no less than once a year, that the device is operable.

**8-2B-19: VIOLATIONS:**

- A. The Village official shall deny or discontinue, after reasonable notice to 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 said Village official, 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 Village official, and the required five hundred dollars (\$500.00) reconnection fee is paid.
- C. Neither the Village, the Village official, or its agents or assigns shall be liable to any customers of the Village for any injury, damages, or lost revenues which may result from termination of said customers water supply in accordance with the terms of this Chapter, 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 provisions of this Chapter shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.
- F. Any person violating any of the provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in Title 1, Chapter 17, and in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice. (Ord. 91-1211-24)(Ord. Amd. 07-3000-28, eff. 8/13/07)(Ord. Amd. 10-3131-08, eff. 3/22/10)

**CHAPTER 2C**  
**VILLAGE STORM SEWER SYSTEM REGULATIONS AND RATES**

**SECTION:**

- 8-2C-1: Legislative Findings**
- 8-2C-2: Statement of Policy**
- 8-2C-3: Purpose**
- 8-2C-4: Definitions**
- 8-2C-5: Rules and Regulations**
- 8-2C-6: Charges for Storm Sewer System Service**
- 8-2C-7: Storm Sewer Utility Fee**
- 8-2C-8: Billing Procedures**
- 8-2C-9: Appeal Process**
- 8-2C-10: Storm Sewer Enterprise Fund**
- 8-2C-11: Impervious Area Database**
- 8-2C-12: Exemptions from Storm Sewer Utility Fee**
- 8-2C-13: Storm Sewer Utility Fee Incentives**
- 8-2C-14: Liability for Payment**

**8-2C-1: LEGISLATIVE FINDINGS**

The Village Board of Trustees finds:

- A. All real property in the Village contributes to storm water runoff and either uses or benefits from the maintenance of the storm sewer system;
- B. To provide an effective and long-term approach to storm water management within the Village, it is necessary to regulate the use of and provide an adequate and stable revenue stream for the construction, maintenance, operation and improvement of the Village storm sewer system; and
- C. It is in the best interests of the health, safety, and general welfare of the Village, its residents, and property owners, that the Village storm sewer system be operated as part of the combined utility and funded through utility fees.

**8-2C-2: STATEMENT OF POLICY**

- A. It is the policy of the Village to provide a dedicated funding source for the construction, maintenance, operation, and improvement of the storm sewer system in the Village, so that the Village is able to proactively manage storm water for the benefit of all residents and owners of real property within the Village.
- B. It is the policy of the Village that, except as provided in this chapter, the owner or owners of any real property in the Village that uses or benefits from the Village's storm sewer system be charged a storm sewer utility fee.
- C. Storm Sewer Utility. The Village hereby establishes a storm sewer utility within the Public Works Department to provide for the management, protection, control, regulation, use, construction, and enhancement of the Village's storm sewer systems and facilities.

**8-2C-3: PURPOSE**

The purpose of this chapter is to protect the public health, safety, and welfare of the residents of

the Village from damage to property and local waterways from storm water runoff and floods resulting from storm sewer discharges, through the construction and operation of flood reduction and control facilities, and through water quality management and floodplain management. It is also the purpose of this chapter to provide an effective and long-term approach to storm water management within the Village by identifying and providing an adequate and stable funding source for storm water management.

**8-2C-4: DEFINITIONS**

DEVELOPED LAND	A parcel within the corporate limits and/or is in whole or in part served by the Combine Utility System of the Village that has been altered from its natural state by the addition of impervious area.
DIRECT DISCHARGE	The conveyance of storm water runoff directly from a parcel of property to a receiving stream or river without using any part of the storm sewer system.
RESIDENTIAL EQUIVALENT UNIT (REU)	An index to compare runoff generated by different types and uses of parcels with different storm water runoff characteristics. One REU is defined as the runoff generated by a typical single-family residential parcel and shall equal 2,500 square feet of impervious area or any fraction thereof.
IMPERVIOUS AREA	The area within a parcel that prevents or significantly impedes the infiltration of storm water into the soil. Impervious area includes, without limitation, buildings, roofed structures, sidewalks and walkways, parking lots, patios, decks, swimming pools, roads, bridges, medians, driveways, other paved areas, and other similar non-porous areas.
INCENTIVE	A conditional, one-time payment to an individual property that meets the qualification standards to mitigate storm water runoff as established in this chapter and the rules and regulations of the storm sewer system.
PARCEL	An area of land within the corporate limits and/or is in whole or in part served by the Combine Utility System of the Village that has been established by a plat or other legal means and has been assigned a Property Index Number (PIN) by the County of Lake, Illinois
STORM SEWER SYSTEM	The system of conveyances owned and operated by the Village and designed for or used in the collection, control, transportation, treatment, or discharge of storm water, including but not limited to storm sewers, storm drains, curbs, gutters, ditches, detention ponds or basins, dams, river impoundment, manmade channels or storm drains, and flood control facilities, and any appurtenances thereto.
UNDEVELOPED PARCEL	A parcel of land that remains in its natural state with no impervious area.

**8-2C-5: RULES AND REGULATIONS**

The Village Manager may adopt such rules as may be necessary to give effect to and explain the provisions of this chapter.

**8-2C-6: CHARGES FOR STORM SEWER SYSTEM SERVICE**

- A. Establishing Rates and Fees: The owner of any parcel that uses, benefits from, or connects to the storm sewer system will be charged for such service in accordance with the rates, fees, and charges established in the Comprehensive Fee Schedule, Title 1, Chapter 15 of the Village Code.
- B. Basis for Rates and Fees: The storm sewer utility fee will be based on the extent to which each parcel creates a need for storm water management; the amount of impervious area on each parcel; and the cost of operating, maintaining, and improving the storm sewer system.

**8-2C-7: STORM SEWER UTILITY FEE**

A. Fee Imposed. A storm sewer utility fee is hereby imposed on the owner of property in the Village. The storm sewer utility fee consists of the sum of the following:

- 1. Base Fee. The Base Fee is the amount to be charged each month pursuant to the formula set forth in Title 1, Chapter 15 of the Village Code to produce the amount of principal and interest on any storm sewer system debt that is due and payable during the fiscal year for which the Base Fee is calculated.

The Base Fee for all parcels in the Village will equal the measured number of Residential Equivalent Units (REUs) on the parcel, rounded up to the nearest REU, multiplied by the then current rate, as established in Title 1, Chapter 15 of the Village Code.

For premises comprised of multiple parcels with multiple Property Index Numbers (PINs), the fee will equal the sum of the Base Fee for each parcel.

The rate for storm sewer users outside corporate Village limits shall be the same as the resident rate.

- 2. Supplemental Fee. Such other rates, fees, and charges that the Village Board of Trustees determines are rationally related and necessary to recover all costs related to operating, maintaining, and improving the storm sewer system.

The Supplemental Fee for all parcels in the Village will equal the measured number of Residential Equivalent Units (REUs) on the parcel, rounded up to the nearest REU, multiplied by the then current supplemental rate, as established in Title 1, Chapter 15 of the Village Code.

**8-2C-8: BILLING PROCEDURES**

- A. The Finance Department shall issue all bills for storm sewer utility fees according to the same schedule as bills issued for water and sanitary sewer service.
- B. For users of the storm sewer system that have an existing utility account with the Village, the Finance Department shall include the storm sewer utility fee on the same statement issued for such other utility service.
- C. The Finance Department may issue a separate bill to the owner of any parcel that does not have

an existing utility account with the Village. If the owner of such parcel has not provided the Finance Department with a billing address, then the Finance Department may mail the storm sewer utility bill to the same person who receives property tax bills for that parcel according to the records of the Lake County Chief County Assessment Office.

**8-2C-9: APPEAL PROCESS**

- A. The owner of a parcel, or the owner's authorized agent, may request correction of the storm sewer utility fee by submitting a written request to the Finance Director or his/her designee, on or before the date payment is due. The owner of the parcel is solely responsible for initiating any review of the amounts of the storm sewer utility fee. A request for an adjustment may only be filed if one or more of the following grounds are present:
1. Errors in the square footage of the impervious surface area of the property;
  2. Mathematical errors in calculating the fee to be applied to the property;
  3. Errors in the identification of the owner or address of a parcel subject to the fee; or
  4. There are unique features of, or unique circumstances affecting, the property, such that the amount of the storm sewer utility fee does not approximately reflect the impact of the property on the Village storm sewer system. To receive an adjustment under this section, the unique features or circumstances must not be generally applicable or present to other properties in the Village.
- B. The Finance Director must make a written determination within 30 days after receipt of the property owner's completed written request for correction of the fee. If the Finance Director denies the request, in whole or in part, the property owner may appeal that denial to the Village Manager by submitting a written appeal within 15 days after receipt of the written denial from the Finance Director. The Village Manager must either grant or deny the appeal, in whole or in part, and in writing, within 30 days after receipt of the written appeal. For requests filed pursuant to Section 8-2C-9-A-1 through Section 8-2C-9-A-3 of this Code, the Village Manager's decision on the appeal shall be final. For requests filed pursuant to Section 8-2C-9-A-4 of this Code, if the Village Manager does not fully grant the appeal, the property owner may appeal that decision to the Village Board of Trustees by submitting a written appeal within 15 days after receipt of the written decision of the Village Manager. The Village Board of Trustees will then consider the appeal at a regular meeting held within 45 days of receipt of the appeal and may either grant, deny, or remand the subject of the appeal back to the Finance Director for further consideration.
- C. Any owner of a parcel who submits a request for correction of a fee shall comply with all rules and procedures adopted by the Village and must provide all information necessary for the Finance Director to make a determination on the request for correction of the fee. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.
- D. If an adjustment or correction is approved by the Village, the adjustment will be incorporated into the storm sewer utility fee calculation for the specified parcel, the Village shall issue a refund in the form of a one-time payment to the utility customer.

**8-2C-10: STORM SEWER ENTERPRISE FUND**

- A. Revenues: All revenues from the storm sewer utility fee shall be deposited in the storm sewer enterprise fund and shall be used solely for the operation, maintenance, expansion, and rehabilitation of storm sewer system as deemed appropriate by the Village Board of Trustees.

- B. Financial Records: The Finance Director shall maintain and report on the financial records of the storm sewer utility in accordance with generally accepted government accounting principles.

**8-2C-11: IMPERVIOUS AREA DATABASE**

The impervious area for all parcels in the Village is established by the Village. The Village shall maintain an impervious area database for all parcels within the Village which will serve as the basis for determination of the number of REUs associated with each parcel. The database will be based on available information, including geographic information systems analysis, aerial photographs, mapping information, site examination, and other available information, and will be periodically updated based on available information.

**8-2C-12: EXEMPTIONS FROM STORM SEWER UTILITY FEE**

Dedicated public rights-of-way, such as roadways, sidewalks, and alleys, shall not be subject to the storm sewer utility fee.

**8-2C-13: STORM SEWER UTILITY FEE INCENTIVES**

- A. The Village Engineer shall recommend to the Village Board a Storm Sewer Utility Fee Incentive Manual, and from time to time amendments to the same, for approval by the Village Board. The Storm Sewer Utility Fee Incentive Manual shall have the purpose of establishing a program of incentives that will reduce the storm sewer utility fee that particular property owners shall pay, to promote efforts by said property owners to mitigate the effects of storm water on the storm sewer system.
- B. The owner(s) of the parcel that is subject of the Storm Sewer Utility Fee Incentive application bears the burden of proving beyond a preponderance of the evidence that the subject parcel is entitled to a Storm Sewer Utility Fee Incentive under this Section.
- C. The Village Engineer shall review an incentive application filed pursuant to this section, and shall either grant or deny the request, within 60 days after the date on which the application is received. The Village Engineer shall only grant the requested incentive upon determining the applicant meets the criteria for the incentive, as defined in Storm Sewer Utility Fee Incentive Manual. If the Village Engineer denies the request, in whole or in part, the property owner may appeal that denial to the Village Manager by submitting a written appeal within 15 days after receipt of the written denial from the Village Engineer. The Village Manager must either grant or deny the appeal, in whole or in part, and in writing, within 30 days after receipt of the written appeal. If the Village Manager does not fully grant the appeal, the property owner may appeal that decision to the Village Board of Trustees by submitting a written appeal within 15 days after receipt of the written decision of the Village Manager. The Village Board of Trustees will then consider the appeal at a regular meeting within 45 days from receipt of the appeal and may either grant, deny, or remand the subject of the appeal back to the Village Engineer for further consideration.
- D. The Finance Director will issue the incentive based on the final decision rendered regarding the incentive application.

**8-2C-14: LIABILITY FOR PAYMENT**

- A. The owner of the premises, the occupant thereof, and the user of the water, sanitary sewer, and storm sewer system service shall be jointly and severally liable to pay for the storm sewer service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefore to the Village.



- B. All processes for enforcing liability for storm sewer utility fee payment shall correspond with sections 8-2A-5 and 8-2A-6 of the Village Code.