

CHAPTER 38
SEWER USE ORDINANCE

An ordinance regulating: The use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; the levying of charges for wastewater services (use charges).

In the Village of Johnsburg.

County of McHenry, State of Illinois.

Be it ordained and enacted by the President and Board of Trustees of the Village of Johnsburg, State of Illinois, as follows:

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Chapter 1 Sewer Use Ordinance

ARTICLE I

Use of Public Sewers Required

- Sec. 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 of Johnsburg or in any area under the jurisdiction of said Village of Johnsburg, any human or animal excrement, garbage or other objectionable waste.
- Sec. 2 It shall be unlawful to discharge to any natural outlet within the Village of Johnsburg, or in any area under the jurisdiction of said Village of Johnsburg, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, holding tank, cesspool, or other facility intended or used for the disposal of sewage.
- Sec. 4 The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the Sewer Service Area as depicted in Exhibit "A" within the Village of Johnsburg and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village of Johnsburg, is hereby required at his expense to install suitable sanitation facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within six months after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

ARTICLE II

Private Sewage Disposal

- Sec. 1 Where a public sanitary sewer within the Sewer Service Area is not available under the provisions of Article I, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article II.
- Sec. 2 Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the McHenry County Department of Health.
- Sec. 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the McHenry County Department of Health.

- Sec. 4 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code, McHenry County Health Department and with the State of Illinois Environmental Protection Agency. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer within the Sewer Service Area becomes available to a property served by a private sewage disposal system, as provided in Article I, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. In the event that an ejector pump is to be used to service the property, the existing septic tank may be used for that purpose following inspection by the Village representative.
- Sec. 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village of Johnsburg.
- Sec. 7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the McHenry County Department of Health and or Local Health Officer.
- Sec. 8 When a public sewer within the Sewer Service Area becomes available, the building shall be connected to said sewer within six months after date of official notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run, sand. The private sewage disposal system shall be disconnected and deactivated in accordance with the Illinois EPA and the McHenry County Health Department. Any sewage sludge shall be disposed of in accordance with the rules and regulations of the Illinois EPA and the McHenry County Health Department.

ARTICLE III

Building Sewers and Connections

- Sec. 1 No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director or the Village's designated agent.
- Sec. 2 Any disposal by persons into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Clean Water Act and more stringent State and local standards.
- Sec. 3 There shall be two (2) classes of building sewer permits: (a) for residential wastewater service, and (b) commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village of Johnsburg, (reference Appendix #2). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director or the Village's designated agent. A permit and inspection fee for a residential building sewer permit shall be paid to the Village of

Johnsburg at the time the application is filed. The commercial or industrial, as a condition of permit authorization, must provide information describing its wastewater volume constituents, characteristics, and type of activity.

- Sec. 4 A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- Sec. 5 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The person installing the building sewer for said owner shall be a State of Illinois Licensed plumber or sewer contractor and he shall indemnify the Village of Johnsburg from any loss or damage that may directly or indirectly be occasioned by the installation. Before a building sewer permit is issued, the plumber or sewer contractor shall file with the Village Clerk an indemnity bond in the amount of \$10,000, with corporate surety licensed to do business in the State of Illinois, on bond form supplied by the Village of Johnsburg. In addition thereto, the plumber or sewer contractor shall file with the Village Clerk a certificate of insurance covering for bodily injury and \$50,000 covering property damage.
- Sec. 6 A separate and independent building sewer shall be provided for every building.
- Sec. 7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director, or the Villages designated agent to meet all requirements of this ordinance.
- Sec. 8 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code, "Standard Specifications for Water & Sewer Main Construction in Illinois" and "Illinois Design Standards for Sewage Works" 35 Ill. Adm. Code Part 370 as modified by the design standards of the Village of Johnsburg, and other applicable rules and regulations of the Village of Johnsburg.
- Sec. 9 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be, at the owner's expense, lifted by a means which is approved in accordance with Article III, Section 2, and discharged to the building sewer. A clean out shall be provided on the building service line immediately outside the building and at fifty (50) feet intervals.
- Sec. 10 No person(s) shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

- Sec. 11 All improvements to the public sanitary sewer shall conform to the requirements of “Standards Specifications for Water and Sewer Main Construction in Illinois” and “Illinois Design Standards for Sewage Works” 35 Ill Adm. Code Part 370 as modified by the design standards of the Village of Johnsburg, and other applicable rules and regulations of the Village of Johnsburg.
- Sec. 12 The applicant for the building sewer permit shall notify the Public Works Director, or the Village’s designated agent, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or the Village’s designated agent .
- Sec. 13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Johnsburg. Prior to any excavation, the plumber or sewer contractor shall notify all public and private utility companies (J.U.L.I.E.) and Police and Fire Department if road will be closed temporarily.
- Sec. 14 The Village of Johnsburg owns and maintains the sanitary sewers including the building service wye, tee, saddle, or low pressure pumping system on the sewer main. The owner of property served by a building sewer owns the building sewer from the building drain to the building service wye, tee, saddle, or low pressure pumping system as determined by the Village of Johnsburg. All costs and expense incident to the operation, maintenance and repair of the building sewer shall be borne by the owner.

ARTICLE IV

Use of the Public Sewers

- Sec. 1 No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers, or to a natural outlet approved by the Building and Code Officer. Industrial cooling water or unpolluted process waters may be discharged on approval of the Public Works Director, or the Village’s designated agent, to a storm sewer, or natural outlet, as permitted by the proper state regulatory agency.
- Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable, or combustible, or explosive liquid, solid, or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure

or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

- (c) Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, food and/or liquid containers, etc., either whole or ground by garbage grinders.

Sec. 4 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 Public Works Director, or the Village's designated agent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; in violation of Chapter 3 of the Water Pollution rules & regulations adopted by the IPCB pursuant to section 13 of the IL Environmental Protection Act or in violation of effluent limitation of the NPDES Permit; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming this opinion as to the acceptability of these wastes, the Village of Johnsburg will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
- (b) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), (0 and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director or a designated agent of the Village.
- (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

- (e) Waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (f) Industrial wastes containing substances exceeding the following maximum concentrations of pollutants:

Pollutant	Maximum Concentration	Pollutant	Maximum Concentration
5-day BOD	300 mg/l	Iron	10.0 mg/l
Total Suspended Solids	350 mg/l	Lead	0.1 mg/l
Total Dissolved Solids	1000 mg/l	Manganese	1.0 mg/l
Chemical Oxygen Demand	500 mg/l	Mercury	0.0005 mg/l(2)
Ammonia	50 mg/l	Nickel	1.0 mg/l
Arsenic	0.1 mg/l	Oil (Hexane Soluble)	50.0 mg/l
Borate (Boron)	1.0 mg/l	Phenols	0.5 mg/l
Cadmium	1.0 mg/l	Phosphorus	25.0 mg/l
Chromium (Hexavalent)	0.25 mg/l	Selenium	1.0 mg/l
Chromium (Total)	4.2 mg/l	Sliver	1.0 mg/l
Copper	1.0 mg/l	Zinc	0.1 mg/l
Cyanide	0.0025 mg/l(1)		

(1) IPCB Regulation, Chapter 3, Section 703(a)

(2) IPCB Regulation, Chapter 3, Section 703(a)

- (g) 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 of Johnsburg 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.
- (h) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village of Johnsburg in compliance with applicable State or Federal regulations.
- (I) Any wastes or waters having a pH in excess of 9.0 or less than 6.0.
- (j) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village of Johnsburg in compliance with applicable State and Federal regulations.
- (k) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village of Johnsburg in compliance with applicable State and Federal regulations.
- (l) Materials which exert or cause:
- (1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- (m) 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.

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, July 1, 1996 and any amendments thereto, and which in the judgment of the Village of Johnsburg 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 of Johnsburg Sewer Department may:

- (a) reject the wastes;
- (b) require pretreatment to acceptable limits for discharge to the public sewers, at the expense of the property owner/sewer user;
- (c) require control over the quantities and rates of discharge; and/or
- (d) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 11 of this Article.

If the Village of Johnsburg Sewer Department permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be, at the expense of the property owner/sewer user, subject to the review and approval of the Approving Authority, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, or the Village's designated agent 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 Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection.

- Sec. 7 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. The Village of Johnsburg may routinely inspect such facilities.
- Sec. 8 Each industry shall be required to install a control manhole and, when required by the Village of Johnsburg, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village of Johnsburg the manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Each commercial and industrial site shall be classified in accordance with the standard industry classification (SIC) codes and is subject to the Categorical Pretreatment Standards set forth in 40 CFR 403 July 1, 1996.
- Sec. 9 The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analysis of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village of Johnsburg or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village of Johnsburg, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village of Johnsburg at such times and in such a manner as prescribed by the Village of Johnsburg. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village of Johnsburg. At such times as deemed necessary the Village of Johnsburg reserves the right to take measurements and samples for analysis by an outside laboratory service.
- Sec. 10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

Sec. 11 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village of Johnsburg and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village of Johnsburg for treatment, subject to payment therefore, in accordance with Chapter 1, Article I, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System. Industrial wastes shall not exceed the following maximum concentrations: (See following page)

Village of Johnsburg Sewer Discharge Limits (all values mg/l)

BOD	<300	COD	<500
PH	6.0 - 9.0 standard units	TSS	<300
Ammonia	50	Arsenic	0.1
Borate	1.0	Cadmium	1.0
Chromium (H)	0.25	Chromium (T)	4.2
Copper	1.0	Cyanide	0.025
Iron	10	Lead	0.1
Manganese	1.0	Mercury	0.0005
Nickel	1.0	Hexane Soluble	50
Phenols	0.5	Phosphorus	25
Selenium	1.0	Silver	1.0
Zinc	0.1		

ARTICLE V

Protection of Sewage Works from Damage

Sec. 1 No authorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. Violators shall be responsible for all costs incurred due to the damage.

ARTICLE VI

Powers and Authority of Inspectors

Sec. 1 The Public Works Director, or the Village's designated agent, and other duly authorized employees of the Village of Johnsburg, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Village of Johnsburg Sewer Department or a representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining,

ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

- Sec. 2 While performing the necessary work on private properties referred to in Article VI, Section 1 above, the Public Works Director, or the designated agent of the Village of Johnsburg, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village of Johnsburg employees and the Village of Johnsburg shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in Article IV, Section 9.
- Sec. 3 The Public Works Director, or other designated agents of the Village of Johnsburg bearing proper credentials and identification shall be permitted to enter all private properties through which the Village of Johnsburg 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.

ARTICLE VII Penalties

- Sec. 1 Any person found to be violating any provision of this ordinance except Article V shall be served by the Village of Johnsburg with written notice stating the nature of the violation and providing no more than 10 days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village of Johnsburg may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
- Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than \$25.00 nor more than \$500.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3 Any person violating any of the provisions of this ordinance shall become liable to the Village of Johnsburg by reasons of such violation.

ARTICLE VIII Validity

- Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

CHAPTER 2 WASTEWATER SERVICE CHARGES

ARTICLE I Wastewater Service Charges

Sec. 1 Basis for wastewater service charges: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge, a debt service charge, a capital improvement charge, repair/replacement charge and applicable surcharges.

Sec. 2 The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:

- (a) A five day, 20 degree centigrade biochemical oxygen demand (BOD) of 200 mg/l.
- (b) A suspended solids content of 200 mg/l.

The basic user charge shall be computed as follows:

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

Sec. 3 The debt service charge is computed by apportioning the annual debt service as a fixed charge per billing period and/or a charge per 1,000 gallons.

Sec. 4 A surcharge shall be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (200 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the 200 mg/l and 200 mg/l concentrations for BOD and SS respectively.

The concentration of wastes used for computing surcharges shall be established by waste sampling and analysis by a IEPA Certified Laboratory. Waste sampling shall be performed as often as may be deemed necessary by the Village of Johnsburg and shall be binding as a basis for surcharges. All costs associated with the waste sampling shall be at the users expense.

Sec. 5 Tapping fees are levied on developers or contractors to provide for capital improvements, extensions or reconstruction of the sewage treatment works.

Sec. 6 The adequacy of the wastewater all fees and charges shall be reviewed annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service costs or O, M & R costs.

Sec. 7 The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.

Sec. 8 Measurement of flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.

(a) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, the Village of Johnsburg may require the person to install and maintain, at his expense, water meters of a type approved by the Village of Johnsburg for the purpose of determining the volume of water obtained from these other sources.

(b) Devices for measuring the volume of waste discharged may be required by the Village of Johnsburg if these volumes cannot otherwise be determined from the metered water consumption records.

(c) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, or tampered with in any manner, without the consent of the Village of Johnsburg.

Sec. 9 Basic User Charge: There shall be and there is hereby established a basic user charge as established in Appendix #3 of metered water consumption to be applied to all users to recover O, M & R costs.

Sec. 10 Debt Service Charge: There shall be and there is hereby established a debt service charge as established in Appendix #3 to each user of the wastewater facility.

Sec. 11 Rates: A minimum monthly service charge as established in Appendix #3 shall be applied to all users.

Sec. 12 All non-metered residential users of the wastewater facilities shall pay a flat rate charge as established in Appendix #3. The flat rate charge shall consists of O, M & R costs, debt service costs.

In the event use of the wastewater facilities is determined by the Village of Johnsburg to be in excess of 10,000 gallons per Month the Village of Johnsburg may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

Sec. 13 Surcharge rates: Surcharges for BOD and SS shall be set by the Village Board.

Sec. 14 Sewer Tapping Fees: There shall be a charge for connecting or tapping onto the sewage treatment works and sewer collection system of the Village, plus an inspection fee as from time to time set by the Board of Trustees, for each service unit that connects or taps into the sewage treatment works. Such fees, which must be paid at the time of application for the service, as established in Appendix #3.

Sec. 15 Computation of Wastewater Service Charge: The wastewater service charge shall be computed by the following formula:

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

Where

CW = Amount of wastewater service charge (\$) per billing period.

CC = Capital Improvement Charge (Section II).

CD = Debt Service Charge (Section IO).

CM = Minimum Charge for Operation, Maintenance and Replacement (Section 12).

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum charge (Section 12).

CU = Basic User Charge for Operation, Maintenance and Replacement (Section g).

CS = Surcharges, if applicable (Section 14).

ARTICLE II General Provisions

Sec. 1 Bills: Billing provisions for sewer are set forth in Chapter 39, Section 28, Billing for the use of Water and Wastewater Facilities.

Sec. 2 Delinquent charges, termination: Provisions for delinquent charges and termination are set forth in Chapter 39, Section 29.

Sec. 3 **REINSTATEMENT OF SERVICE** Provisions for reinstatement of service are set forth in Chapter 39, Section 30.

Sec. 4 **Lien-Notice of Delinquency:** Whenever a bill for sewer service remains unpaid for 60 days for bi-monthly service, the Village Deputy Clerk/Collector shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. Upon request the Village shall furnish a final prorated bill for such services.

If the user whose bill is unpaid is not the owner of the premises and the Village Accountant has notice of this, notice shall be mailed to the owner of the premises if his address be known to the treasurer, whenever such bill remains unpaid for the period forty-five days for a monthly bill or one hundred and five days for a quarterly bill after it has been rendered.

The failure of the Village Deputy Clerk/Collector to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to collect the lien for unpaid bills as mentioned in the foregoing section.

Sec. 5 **Foreclosure of lien:** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. The Village attorney is hereby authorized and directed to 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 days in the case of a monthly bill or one hundred and five days in the case of a quarterly bill after it has been rendered.

Sec. 6 **Revenues:** All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewer account of the Sewer Enterprise Fund. All such revenues and moneys shall be collected by the Village Deputy Clerk/Collector separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Accountant not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Village Board.

The Village Accountant shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him/her and deposit the same in the account of the fund designated as the "Sewer Fund of the Village of Johnsburg".

Sec. 7 **Accounts:** The Village Accountant shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals

he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

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

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.
6. Number of metered users.
7. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

Sec. 8 Penalty:

Unless another penalty is specifically provided by this chapter for the violation of any particular section hereof, any person violating any provision of this chapter or any rule or regulation adopted or issued in pursuance hereof, or any lawful order made by a Village official hereunder, shall, upon conviction, be subject to a fine of not less than \$50.00 nor more than \$1,000.00, plus all costs of prosecution, including but not limited to filing fees, witness and attorneys fees.

Sec. 9 Access to Records: The IEPA, USEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant, Federal Regulations and conditions of the Federal Grant, or Loan Agreement and Rules of any State Loan.

ARTICLE III Validity

That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE IV Appeals

The method for computation of rates and service charges established for user charges in Article I shall be made available to a user within 7 working days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by the Village Board of the Village of Johnsburg within 60 days after notification of a formal written appeal outlining the discrepancies.

APPENDIX #1 DEFINITIONS

Definitions

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

Sec. 1 Federal Government

"Federal Act" means the Federal Clean Water Act (33 U.S.C. 466 et seq) as amended, (Pub. L. 95-217).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

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

Sec. 2 State Government

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

"Director" means the Director of the Illinois Environmental Protection Agency.

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

Sec. 3 Local Government

"Ordinance" means this ordinance.

"Village" means the Village of Johnsbury.

"Approving Authority" means the of the Village President and Board of Trustees of the Village, acting by and through the Village Administrator, or the person designated by it, being their duly authorized agent or representative.

Sec. 4 "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 5 "NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal

Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

Sec. 6 Clarification of word usage: "Shall" is mandatory: "may" is permissible.

Sec. 7 Wastewater and its characteristics:

"Wastewater" shall mean the spent water of a community. Wastewater may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

"Sewage" is used interchangeably with "wastewater".

"Effluent Criteria" are defined in any applicable "NPDES Permit"

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

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

"ppm" shall mean parts per million by weight.

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

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

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

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

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

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

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

"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .17 pounds of BOD and .22 pounds of suspended solids.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

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

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuing authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Sec. 8 Sewer types, and appurtenances:

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids.

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

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

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

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

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

"Inflow and Infiltration" shall mean that portion of the precipitation that enters into the sewer system.

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

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

Sec. 9 Treatment:

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

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

Sec. 10 "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Sec. 11 Watercourse and connections:

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

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

Sec. 12 User types:

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

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

"Residential Customer Equivalent" shall mean the flow or wastewater strength equal to that contributed by a single family residence.

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

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

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

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

Sec. 13 Types of charges:

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter 00, Article II and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.

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

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

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

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

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 00, Article III.

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

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

"Sewer Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

APPENDIX #2

APPLICATION FOR SEWER PERMIT

- a) Residential Sewer
- b) Private Sewage Disposal
- c) Commercial, Institutional/Governmental, and Industrial

RESIDENTIAL BUILDING SEWER APPLICATION

To the **Village of Johnsburg**:

A. THE UNDERSIGNED, being the _____ of the property located at
(owner, owner's agent)
_____ DOES HEREBY REQUEST a permit to install and connect a
(Number Street)
sanitary sewer service lateral to serve _____ at said location.
Residence

1. The following indicated fixtures will be connected to the proposed building sewer:

Number	Fixtures	Number	Fixtures
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixtures _____

2. The maximum number of persons who will use the above fixtures is _____.

3. The name, address, and plumber's license number of the license plumber or plumbing firm who will perform the proposed work is _____.

4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit B.

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the Village Code of the Village of Johnsburg, and of all other pertinent ordinances or regulations that may be adopted in the future.

2. To maintain the building sewer at no expense to the Village.

3. To notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

Date: _____

Signed: _____

Applicant

Address of Applicant

Certification by Village Accountant

\$_____ connection fee paid.

\$_____ inspection fee paid.

Application approved and permit issued:

Date _____

Signed: _____
Approving Authority

PRIVATE SEWAGE DISPOSAL APPLICATION

To the Village of Johnsburg:

A. THE UNDERSIGNED, being the _____ of the property located at _____
Owner, Owner's Agent
_____ DOES HEREBY REQUEST a permit to install sanitary
Number Street
sewage disposal facilities to serve the _____ at said location.
(Residence, Commercial Bldg., etc.)

1. The proposed facilities include: _____
_____ to be
constructed in complete accordance with the plans and specifications attached hereunto as
Exhibit B.
2. The area of the property is _____ square feet (or _____ square meters).
3. The name and address of the person to be served by the proposed facilities is
_____.
4. The maximum number of persons to be served by the proposed facilities is _____.
5. The locations and nature of all sources of private or public water supply within the one
hundred (100) feet (30.5 meters) of any boundary of said property are shown on the plat attached
hereunto as Exhibit C.

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by
the Approving Authority.
2. To accept and abide by all provisions of the Village Code, of the Village of Johnsburg, and of
all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a
sanitary manner at all times, in compliance with all requirements of the Village and at no
expense to the Village.
4. To notify the Approving Authority at least twenty-four (24) hours prior to commencement of
the work proposed, and again at least twenty-four (24) hours prior to the covering of any
underground portions of the installation.

Date: _____

Signed: _____
(Applicant)

(Address of Applicant)

\$_____ inspection fee paid.

(Certification by Village Accountant)

Application approved and permit issued:

Date: _____

Signed: _____
(Approving Authority)

COMMERCIAL, INSTITUTIONAL/GOVERNMENTAL, AND INDUSTRIAL
SEWER CONNECTION APPLICATION

To the Village of Johnsburg:

A. THE UNDERSIGNED being the _____ of the property located at
(Owner, Lessee, Tenant, etc.)
_____ DOES HEREBY REQUEST a permit to
_____ an industrial sewer connection serving the _____
(Install, Use) (Name of Company)
which company is engaged in _____ at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "B".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "C".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representatives analysis, is attached hereunto as Exhibit "D".
4. The name, address, and plumber's license number of the license plumber or plumbing firm who will perform the proposed work covered by this permit is _____.

B. In consideration of the granting of this permit THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
3. To cooperate at all times with the Approving Authority, and his representative in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
4. To notify the Approving Authority immediately in event of any accident, negligence or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

Date: _____

Signed: _____
(Applicant)

(Address of Applicant)

(Certification of Accountant)

\$_____ connection fee paid.

\$_____ inspection fee paid.

Application approved and permit granted:

Date: _____

Signed: _____
(Approving Authority)

APPENDIX #3

RATES AND FEES

SEWER CONNECTION FEES

Sewer connection fees shall be charged for all connections to the Village's wastewater treatment system. Said connection fee shall be reviewed from time to time to incorporate adjustments driven by the Consumer Price Index, carrying costs and/or other factors affecting the cost of the system subject to and in accordance with Illinois law. In addition to said connection fee, all costs related to the inspection of the connection shall be paid by customer. The connection fee for each residential unit shall be \$7,562.05. The connection fee for all commercial and industrial connections shall be determined at the time of permitting based upon the Residential Consumer Equivalent (RCE) of the use.

USER FEE

There shall be and there are hereby established rates or charges for the use of and for the service supplied by the sewer facilities of the Village based on the amount of water consumed as follows:

1. \$4.22 per 1,000 gallons of water consumed. Said fee shall be reviewed and adjusted annually by the CPI.
2. Monthly fixed rate shall be \$14.92. Said fee shall be reviewed and adjusted annually by the CPI
3. Users outside corporate limits - The rate, if service is allowed under this category, shall be established by the Village Board. The rate however shall not be less than twice the applicable rates for users within the Village.
4. Flat Rate fee for users without water meters shall be \$36.71 per month. Said fee shall be reviewed and adjusted annually by the CPI.