

CHAPTER 39  
**WATER DEPARTMENT GENERAL PROVISIONS**

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**39.01 CREATION**

There is hereby established for the Village a water department hereinafter called the Department.

**39.02 SUPERINTENDENT**

The Superintendent of Water shall be appointed by the President, by and with the consent of the Village Board, at the annual meeting at which the President is seated. The Superintendent of Water shall hold office for a term to expire not later than at the end of the last municipal year in the President's term and until a successor is appointed and qualified.

### **39.03 DUTIES OF THE DEPARTMENT**

The Department shall be in charge of all matters relating to the water facilities including the connection thereto and the extension thereof.

### **39.04 DEFINITIONS**

Terms used in this chapter can be found in Appendix A of this chapter.

### **39.05 BILLING DUTIES, RATES**

- A. Billing Duties: It is the duty of the Deputy Clerk to render bills for service and for all rates and charges in connection therewith and to collect all moneys due thereon as provided herein.
  
- B. Billing Rates: See Appendix B

### **39.06 DISPOSITION OF REVENUES**

- A. Water Charges: All revenues and monies derived from the water charges shall be held by the Treasurer separate and apart from all other funds of the Village. All of such sums, without any deductions whatever, shall be immediately deposited in the Water Fund of the Village. Said fund shall be segregated into such accounts as may be required but shall include an Operation and Maintenance Account.

The Operation and Maintenance Account shall include an Equipment Replacement Fund for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the facilities for which such facilities were designed and constructed. Yearly, the Board shall review the requirements of the Equipment Replacement Fund and shall cause to be transferred sufficient funds to maintain an adequate balance in the Equipment Replacement Fund.

- B. Tapping Fees: All revenues and monies derived from tapping fees shall be deposited in the Water Improvement Fund. Said fund shall be used solely for the improvement, extension or the betterment of the water facilities.
  
- C. Meter Fees: Meter fees shall be deposited in a Meter Fund. Said fund shall be used solely for the purposes of repairing, maintaining, replacing or the betterment of the system's measuring of water.

### **39.07 ACCOUNTS**

The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the Water Department and at regular annual intervals shall cause to be made an audit by an inde-

pendent auditing concern of the books to show the receipts and disbursements of the Water Department. The Treasurer shall maintain such records as necessary to document compliance by the Village with the Act for the user charge system.

### **39.08 FILING REGULATIONS**

A copy of the provisions of this Ordinance relating to water service charges shall be filed in the Office of the Clerk 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 water facilities of the Village on their properties.

### **39.09 POWERS AND AUTHORITY OF INSPECTORS**

The Superintendent and other duly authorized employees or agents of the Village, bearing Village identification which contains their photograph, shall be permitted to enter all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. They shall have no authority to inquire into any industrial process except as it may have bearing on the use of water.

The Superintendent and other duly authorized employees or agents of the Village, bearing Village identification which contains their photograph, 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 public water facilities 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.

### **39.10 REGULATIONS APPLICABLE**

The regulations of this Ordinance govern every user of the Village water facilities and shall be part of the contract between the Village and every such user. In making application for water service every user shall agree in writing to be bound thereby. It is the duty of the Superintendent to enforce these regulations.

### **39.11 SHUTTING OFF WATER**

In case of making repairs or alterations or constructing new facilities, or for any other reason, the Superintendent reserves the right to shut off the water and keep it shut off as long as may be necessary to make such repairs, alterations or the construction of new facilities. Prior to shutting off the water, users shall be given adequate notice except in an emergency; and in such case, the Superintendent shall provide notice as conditions permit. No claim shall be made against the Village by reason of the above or by reason of the breakage or failure of any pump, or other portion of the water system.

### **39.12 LIMITATIONS OF USE OF WATER**

#### Seasonal Limitations of Use of Water

- A. In an effort to conserve water, the Village limits the use of outside water during high seasonal demands. Between June 1<sup>st</sup> through October 1<sup>st</sup> of each year, the Village regu-

lates water usage through an even/odd watering restriction. Under the even/odd restriction, residents living at even numbered addresses, may water their landscaping and wash their vehicles on even numbered days. Residents living at odd numbered addresses, may water their landscaping and wash their vehicles on odd numbered days.

#### Emergency Limitations of Use of Water

- A. Whenever the Village President, after consultation with the Superintendent, determines that water conservation measures should be instituted, he shall have the right to regulate and limit the use of water for any nonessential purposes. Notice to the water users of the regulations and limitations shall be at the discretion of the Superintendent.
- B. In the event the demand on the public water system of the Village exceeds the capacity of said system, the Village President may wholly suspend or prohibit the use of water for any nonessential purpose by issuing a proclamation that an emergency exists and all nonessential use of water is prohibited. Said proclamation shall be signed under oath and delivered to the Village Clerk and posted at the Village Hall. No person shall use or draw water in violation of any such proclamation until the next regular meeting of the Board of Trustees.
- C. Penalty: Any offense arising under this Chapter 39, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money sated for a Class B violation in Chapter 1.07-E.

#### **39.13 METERS REQUIRED**

No person shall be allowed to receive water from the Village for any purpose without first having a proper water meter installed to measure the amount of water consumed.

Meters shall conform to specifications fixed by the Superintendent as to size, capacity and construction. All meters shall be attached under the direction and supervision of the Superintendent at a location approved by the Superintendent.

Meters that are the property of the Village shall be maintained, repaired or replaced by the Village at no cost to the user except as provided for in Section 39.16. Meters owned by users shall be purchased, installed and maintained by the user at no cost to the Village. Said user, however, shall be required to maintain the meter so that the accuracy remains within three percent plus or minus of original accuracy. The user shall file a meter calibration report with the Superintendent annually.

In the event a building contains more than one use a meter is hereby required for each use unless the building contains only residential dwelling units and the use of a single meter for the building is approved by the Superintendent.

Meter fees shall be established from time to time by the Village Board and shall be sufficient to include the cost of the meter and the installation thereof. Meter fees shall not be refunded.

### **39.14 UNMETERED WATER SUPPLY FOR SPRINKLER, FIRE PROTECTION SERVICE**

Whenever sprinkler/fire protection services are desired, application must be made for the privilege of installing such service. Complete plans for installation shall be attached to such petition. When said application is approved a contract shall be entered into with the Village for connection from Village mains to the property, which connection will be made by and the cost of same to be paid by the user.

Village water will not be admitted into any sprinkler or fire protection service unless all pipes in connection with such system are left exposed for inspection and pressure testing.

A valve shall be installed with a rising stem, on each side of the RPZ valve and each shall have the valve operating handle accessible for operation outside of the building.

No additional sprinkler heads shall be installed or new connections of any kind whatsoever shall be made to a sprinkler or fire protection system unless a permit for such connection has been granted by the Village.

Where a reservoir is maintained on any premises in connection with sprinkler/fire protection services or fire protection system, or for any other special service, the water service shall be connected with a certified RPZ valve to be installed by a licensed contractor and inspected yearly, to exclude all danger of back siphonage. Such connections shall be made only upon approval of the Superintendent.

No connection of any kind whatsoever except for fire protection shall be taken from any fire or sprinkler/fire protection service system.

### **39.15 ACCESS TO EQUIPMENT**

No person shall in any manner obstruct access to any valve, hydrant, stopcock, manhole, flow measuring equipment or any other equipment necessary to the operation of the water which is located in any public street, alley or easement.

No person shall in any manner obstruct access to any meter equipment located in any building.

### **39.16 DAMAGE TO EQUIPMENT AND PROPERTY**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or property of the water facilities.

No unauthorized person shall repair, remove or replace any equipment, appurtenance or property of the water facilities.

Any person violating this provision shall be subject to immediate arrest under charge or disorderly conduct and shall pay the cost of restoring the equipment.

### **39.17 USE OF WATER FACILITIES REQUIRED**

The owner of any house, building or property presently served by Village water facilities or hereafter constructed within the Village and abutting on any street, public easement or right-of-way in which there is now located, or which the Village intends in the future to be located, a public water main owned by the Village, is required to make a connection to the water facilities of the Village. The owner shall pay all costs of connection, including recapture fees, if applicable.

The owner of any house, building or property situated within the Village and abutting on any street, alley or right-of-way in which a public water main is within 300 feet of the nearest property line of the property shall be required to extend the public water main to and across the frontage of the property and make connection as herein provided. If such water main extension benefits other properties the Village shall enact a recapture ordinance and make best efforts to collect and return to the owner amounts received from benefited properties.

After connection to the public water supply the private water supply shall be physically disconnected from the building water piping connected to the public water supply.

### **39.18 PRIVATE WATER SUPPLY**

- A. Whenever a public water main is not available under the provisions of Section 39.17 the building service pipe shall be connected to a private water supply complying with the provisions of this Section and all requirements of the Illinois Department of Public Health Water Well and Pump Installation Code. A private water supply is a water system that has 14 or less service connections or serves 24 or fewer people.
- B. Whenever an industrial user requires water for industrial purposes and the Superintendent determines that the Village water facilities have inadequate capacity to provide the pressure, volume or rate of flow required by said industry, the user may be allowed to install a private water supply complying with the provisions of this Section. Provided, however, that the private water supply is not used for any purpose except for industrial purposes and no cross connection is made to the public water supply.
- C. A private water supply shall not be used for potable purposes for any commercially utilized building where Village supplied water is available.
- D. Before commencement of construction of a private water supply, the owner shall first obtain a written permit issued by the McHenry County Health Department. The application for such permit shall be made on a form furnished by the County, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the County. A permit and inspection fee shall be paid to the County at the time the application is filed, and shall be in such amount as the County may from time to time determine. The owner shall also secure permits from all other agencies having jurisdiction and

file copies with the Building Inspector. Said private water supply shall not be constructed within 1000 feet of any well utilized by the Village of Johnsburg for its water source.

- E. The owner shall operate and maintain the private water supply in a sanitary manner at all times, at no expense to the Village.

### **39.19 TAPPING INTO WATER FACILITIES**

- A. No person shall make a connection to the water facilities of the Village without first making application to the Superintendent for the privilege of making said connection and to have a written permit approved by the Superintendent or Building Inspector and to pay all applicable fees.
- B. Persons desiring such connection to the water facilities of the Village shall, in addition to making application, fully state all purposes for which water is required and answer all questions put to them by the Superintendent relating to the proposed water consumption. In the case of any fraudulent representation on the part of the user, the payment will be forfeited and the supply of water stopped.
- C. No permit will be issued until the permittee:
  - 1. Pays the tapping fee as prescribed in Section 39.29 of this Code.
  - 2. Pays the cost of the meter and installation thereof (meter fee). See Appendix B
  - 3. Secures a street opening permit if required in conformance with the provisions of Village Ordinances.
  - 4. Agrees to pay all costs of the installation of said service.
  - 5. Agrees to give the Superintendent a minimum of 24 hours notice prior to the start of the installation of the service and when the service shall be ready for inspection, except that no inspections will be made at times other than during regular Village working hours.
  - 6. Agrees that the materials used and the method of installation shall be in conformance with specifications established by the Superintendent.
  - 7. Agrees to pay all costs of inspection and testing if inspection in excess of the inspection and testing normally provided by the Village is deemed necessary by the Superintendent.
  - 8. Agrees to conform to all rules governing plumbers and to the regulations of the Illinois State Plumbing Code.

9. Agrees to secure and protect the Village from any liability or damage whatsoever for injury (including death) to any person or property and files with the Clerk liability insurance certificates. The amount of the insurance shall be established by the Village Board.

### **39.20 WATER SERVICE PIPE**

The water service pipe extends from the Village water main to and includes the curb stopcock which shall be located in a street or an easement as directed by the Superintendent.

The pipe, valve and fittings used for the service pipe shall be as specified by the Superintendent. The Superintendent may make the service pipe tap to the water main or the Superintendent may allow the user's contractor to make the connection under the supervision of the Superintendent.

The permittee shall pay all costs of installing the service including such material and services provided by the Village. The Village shall maintain the water service pipe.

### **39.21 BUILDING SERVICE PIPE**

The building service pipe extends from the curb stopcock to the building and shall be installed by the user at his expense. The building service pipe shall be the same size and same material as the water service pipe and shall be inspected by the Superintendent.

Persons taking water must do so at their own expense, and must keep the building service pipe in good repair, protect it from frost or damage in any other manner and prevent all unnecessary waste of water. It shall be the duty of the user to maintain the building service pipe from the curb stopcock to the house. If the user fails to properly maintain the building service pipe the Superintendent shall have the authority to enter onto the property and provide maintenance as required and bill for the cost of said maintenance on the next water bill or shut the water off until proper maintenance is completed.

### **39.22 SEPARATE SERVICES REQUIRED**

A separate water service pipe is required for every building or residence. Where a building contains more than one commercial or industrial user or where the building contains a combination of commercial or industrial and residential uses there shall be separate services for each use if required by the Superintendent. A single meter is allowed in buildings with more than one residential user.

### **39.23 DISCONTINUING WATER SERVICE**

Any person wishing to discontinue the use of water shall give written notice to the Superintendent prior to the expiration of the time for which payment has been made or become due and remaining unpaid; otherwise, he/she shall be liable for the charge for the ensuing billing period.

Persons wishing to discontinue the use of water in homes used seasonally shall give written notice thereof to the Superintendent and pay a fee of \$50.00 for the shutting off of the water and removal of the water meter and the same fee for the restoration of the service during regular



business hours; the fee for such service shall be \$75.00, for each service, if performed at any other time.

### **39.24 FIRE HYDRANTS**

- A. Use: All hydrants constructed in the Village for the purpose of extinguishing fires are hereby declared to be public hydrants. No persons other than members of a duly organized fire department or fire protection district and those authorized by the Superintendent shall open any such hydrant or attempt to draw water from same or in any manner interfere with or injure any of such hydrants.
- B. Obstruction of Hydrants: No person shall obstruct the use of any fire hydrant or place any material in front thereof. Any material forming such obstruction may be removed by the Village or by a duly organized fire department or fire protection district. The cost of removal shall be borne by the owner thereof.
- C. Wrenches: No person shall use any water hydrant wrenches without the permission of the Superintendent.
- D. Temporary Use: Any person wishing to make a connection to a hydrant as a temporary source of water for construction or other purposes approved by the Superintendent shall make application to the Superintendent. The user shall make a deposit equal to the replacement cost of the meter which shall be returned less \$10.00 per week or portion thereof for meter rental, a fee reflecting the current water rate for all water used and any cost of maintenance and repair to the meter. Meters will be supplied as available. No temporary meters shall be installed between November 15 and April 1 or at any other time where there is danger of freezing. Temporary meters shall be installed on a weekly basis and payment for the use shall be weekly.

### **39.25 EXTENSION OF WATER MAINS**

- A. No person shall uncover, make any connection with or opening into, use, alter or disturb any public water main of the Village for the purpose of extending same without first making application to the Superintendent for making said extension and to have the proposed extension approved by the Village Board.
- B. Persons desiring such extension of the water system shall file with the Superintendent four copies of the following documents:
  - 1. Detailed plans and specifications prepared by a registered professional engineer registered in the State of Illinois.
  - 2. IEPA permit application with such supporting documents as are required by the IEPA, completely filled out and ready for Village signature.
  - 3. Detailed estimate of cost of the extension.

C. After approval of the plans and specifications by the Village Engineer and receipt of an IEPA permit the person or persons shall submit to the Superintendent the following documents prior to constructing the extension:

1. Agreement and bond executed by the permittee wherein he/she agrees to make and install the improvements in accordance with the plans and specifications specifying a completion date not more than six months after the date of the agreement unless the Village Board determines, on the basis of the recommendation of the Village Engineer, that a longer time is necessary.

The guarantee for completion of the improvements by the permittee shall be in the principal amount of 150 percent of the estimated cost as approved by the Village Engineer; and secured by either:

- a. A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association subject to draw by the Village to complete the improvements if it is not completed within the prescribed time limit.
- b. A clean, non-declining, irrevocable letter of credit issued by a federally insured bank or savings and loan association. The letter shall be approved by the Village and provide that funds may be drawn only by the Village.

The bond shall remain in effect for a period of one year after acceptance of the work by the Village Engineer as a guarantee of good faith of the permittee to correct defects. At the discretion of the Village Board the bond may be reduced during the maintenance period.

2. Copies of all permits, insurance and bonds required for street openings or stream crossings and any other permits required by an agency having jurisdiction.
3. Certificates of insurance protecting the Village from any liability or damage whatsoever from injury, including death, to any person or property. The amount of the insurance shall be as established by the Village Board.

D. Person or persons extending water shall agree as follows:

1. To pay all costs of plan review by the Village Engineer. Payment shall be made to the Village prior to the Village signing the IEPA permit applications.
2. To pay all costs of inspection including resident supervision if deemed necessary by the Village Engineer. The estimated cost of inspection, approved by the Village Engineer, shall be deposited with the Treasurer prior to the start of work and additional funds added during the work if required. The permittee, however, shall pay only the actual costs of such services based on standard engineering fees. At the completion of

the work any unused portion of the amount deposited shall be returned. No interest shall be paid on deposited funds.

3. Materials and construction methods shall be in conformance with specifications established by the Village Engineer.
  4. The engineer designing the extension shall file as-built drawings at the completion of the work with the Village.
- E. The performance bond will not be released until the following documents are filed with the Clerk and approved by the Village Board:
1. As-built drawings: one reproducible set and two sets of prints;
  2. Release of all permits; and
  3. Copies of all tests required by the Superintendent or the Village Engineer.
  4. The guarantee period has expired.

### **39.26 WASTES**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any water course within the Village, or in any area under the jurisdiction of the Village, any untreated sanitary sewage, industrial wastes or polluted waters.
- C. It shall be unlawful to construct or maintain any privy, privy vault or cesspool intended or used for the disposal of sewage.

### **39.27 PRIVATE WASTEWATER TREATMENT FACILITIES**

- A. No person shall construct a wastewater treatment facility within the Village or in any area under the jurisdiction of the Village for the purpose of treating wastewater and discharging same into a water course without written permission from the Village.
- B. No person shall construct a wastewater treatment facility within the corporate limits of the Village for the purpose of treating industrial wastes and discharging same to a water course unless the Village Board issues a permit for the construction and operation of a wastewater treatment facility. No Village permit shall become effective until:
  1. An IEPA permit to construct and operate the facility has been received.

2. An NPDES permit has been received.
3. The Village Engineer has approved the plans and specifications in writing.
4. The guarantee period has expired.

Persons operating a wastewater treatment facility shall file copies of all operating reports sent to the USEPA and IEPA with the Superintendent and such other reports as the Superintendent deems necessary.

- C. No person shall construct a private wastewater treatment facility with subsurface disposal of the effluent if the population to be served exceeds 15 persons or the system is intended to serve more than one building.
- D. A private wastewater treatment facility employing subsurface absorption facilities may be installed if the wastewater to be treated is domestic.
- E. Before commencement of construction of a private wastewater treatment facility employing subsurface absorption facilities the owner shall first obtain a written permit signed by the Village Engineer. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Village. A permit and inspection fee shall be paid to the Village at the time the application is filed, and shall be in such amount as the Village Board may from time to time determine. The permit shall not be issued until applicable county permits are on file.
- F. A permit for a private wastewater treatment facility employing subsurface absorption facilities shall not become effective until the installation is completed to the satisfaction of the Village Engineer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Village Engineer.
- G. The type, capacities, location and layout of a private wastewater treatment facility employing subsurface absorption facilities shall comply with the regulations and provisions of the McHenry County Health Department, latest revisions. No permit shall be issued for any private wastewater treatment facility employing soil absorption facilities where the area of the lot is less than 22,800 square feet.
- H. The owner shall operate and maintain the private wastewater treatment facility in a sanitary manner at all times and at no expense to the Village.

### **39.28 BILLING FOR THE USE OF WATER AND WASTEWATER FACILITIES**

- A. Billings: A bill shall be rendered for the use of the water facilities. Billings shall be made bi-monthly.

Where charges are to be re-computed annually said charges shall become effective for all water purchased during the period to which the rate applies.

- B. Bill Date, Penalty: All bills for service shall be rendered as of the first day of the month succeeding the billing period for which service is billed, or as soon thereafter as possible, and shall be payable not later than the close of business on the 30th day after the date bills are rendered. A penalty of 10 percent but no less than \$5.00 shall be added to each bill not paid within 30 days after the rendition of the bills for service provided by the Village. This penalty will apply to each billing cycle the account is in arrears.
- C. Multiple Meters: Single users with multiple meters shall be rendered a single bill.
- D. Liability for Service: 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 on 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 service are jointly and severally liable therefore to the Village.

### **39.29 DELINQUENT CHARGES, TERMINATION**

In the event that the charges for service are not fully paid within 30 days after rendition of the bill for such service the Deputy Clerk shall send the following reminder notice by regular mail to the owner of the premises, occupant and/or user of the service.

#### **REMINDER/SHUT OFF NOTICE**

Our records indicate that your water bill is past due and a 10% penalty has been assessed. If payment has been made, please disregard this notice. In the event you fail to pay delinquent charges in full within 10 days from the date of this notice, the Village will terminate your water service. Questions regarding this matter should be directed to the Deputy Clerk at 815-385-6023. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday. If you are not satisfied with the decision of the Deputy Clerk, you may appeal that decision to the Village Board.

In the event the bill remains unpaid on the 10th day after the posting of the aforesaid Notice, the following Notice of Termination shall be made to the owner of the premises, occupant and/or user of the service. Said notice shall be hand delivered or posted on the property and a \$50.00 fee will be assessed.

#### **NOTICE OF TERMINATION**

You have failed to reply to our previous requests for payment of your water bill. Failure to pay your overdue account will result in **disconnection of service which will commence on the date indicated in this notice.** In order to avoid discon-

nection, your bill must be paid at the Village Hall no later than 4:30 p.m. on the day prior to the date indicated on this notice.

If service is disconnected, the building will be red-tagged as "unfit for human occupancy" and an additional \$50.00 fee will be assessed.

Services shall not be reinstated until the bill, together with the disconnection fee of \$50.00 and a reinstatement fee of \$50.00, have been paid. In addition, the Village may require a deposit equal to the estimated user charges for one billing period. Reinstatement between 3:30 p.m. and 7:00 a.m. on weekdays, or at any time on weekends and holidays, will require payment of a further surcharge in the amount of \$25.00

DATE OF DISCONNECTION: \_\_\_\_\_

BY: \_\_\_\_\_  
Deputy Clerk

The method of physical disconnection shall be as follows: The Superintendent or his designee shall shut off the curb stopcock. He may also remove the water meter if he deems it necessary for the protection of the meter.

Before service is terminated the occupants and the property owner may have a hearing before the Board of Trustees at its next meeting following the date of the mailing of the Notice of Termination.

1. The hearing shall be conducted informally, but may, with the mutual consent of the parties, be recorded by suitable sound reproduction equipment. Any and all written documents, memoranda or other tangible exhibits offered by the owner, occupant or user shall become part of the record of the hearing.
2. After the proceedings outlined in this Section have been followed water service may be terminated by the Village if the water service set forth in the notice remain unpaid.

A collection agency may be used by the Village for the collection of delinquent fees.

**39.30 REINSTATEMENT OF SERVICE/DEPOSIT**

Upon payment to the Deputy Clerk of the full delinquency, plus the costs of termination and reinstatement, and upon deposit with the Village an amount equal to the estimated user charges for one billing period, the Village will reinstate the service.

The user shall continue to pay the charges assessed hereunder by the Village thereafter as billed, and after 10 billing periods of prompt payment of such charges with no delinquency in excess of 30 days, the deposit shall be refunded to the person having made such deposit, without interest thereon.

Upon payment of the fees and reinstatement of service, the Building Inspector shall remove the red-tag from the building and the building shall, so far as the Village is concerned, be "fit for human occupancy".

### **39.31 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.

### **39.32 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.

### **39.33 PENALTIES**

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.

## **APPENDIX A** **WATER DEPARTMENT DEFINITIONS**

Act: The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and P. L. 93-243. All rules and regulations promulgated under authority of the Act are made part of this Code by reference.

Building Inspector: The Village building commissioner or his authorized deputy, agent or representative.

Clerk: The duly appointed Clerk and/or Deputy Clerk of the Village and/or Office of the Clerk and/or designee.

Code: The Village of Johnsburg Municipal Code.

Department: The water department of the Village.

Deputy Clerk: The duly appointed Deputy Clerk of the Village.

Domestic Wastes, Domestic Wastewater or Sanitary Wastes: Wastewater derived principally from dwellings but also includes all wastewater derived from plumbing fixtures located in commercial or industrial users.

Dwelling or Residential Dwelling Unit: A unit designed for occupancy by one family. It may be a house designed for the exclusive use of one family or it may be a portion of a building designed and intended to be used by one family.

Easement: An acquired legal right for a specific use of land owned by others.

Garbage: Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

IEPA: (Illinois Environmental Protection Agency) All rules and regulations established by the IEPA are made part of this Code by reference.

Inspection: A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

Liability: Whenever reference is made to "secure and protect the Village from any liability or damage" it shall include all authorized employees and agents of the Village as well as the elected and appointed officials.

May: May is permissive.

NPDES: (National Pollutant Discharge Elimination System) A permit or equivalent document or requirements issued by the Administrator, or where appropriate, by the IEPA, after enactment of



the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.

Person: Any individual, firm, company, association, society, corporation, group or taxing body.

Plumbing: The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

Plumbing Fixture: Any device or equipment normally located in a dwelling unit from which wastewater is discharged.

Potable water: Water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary and domestic purposes.

President: The President of the Board of Trustees of the Village.

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 and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

Replacement: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment facilities for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.

Service connection: The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

Service Life: The period of time during which a component of the facilities will be capable of performing a function.

Shall: Shall is mandatory.

Superintendent: The Superintendent of the water facilities of the Village, or his authorized deputy, agent or representative.

Treasurer: The duly appointed Treasurer of the Village.

USEPA: The United States Environmental Protection Agency.

User: Any person or persons making connection to water and/or wastewater facilities of the Village. Where a single meter serves multiple users or residential units, each use or residential unit is considered a user for the purpose of computing fees and charges, except for administrative fees, which shall be paid based on the number of meters.

Village: The Village of Johnsburg.

Village Board: The Board of Trustees of the Village.

Water Service Charge: A charge for the use of and the service supplied by the water and wastewater facilities of the Village. The service charge shall consist of the user charge, the cost of any bond debt of such facilities and such other costs as may be deemed necessary by the Village.

Water Course:

- A. A natural or artificial channel for passage of water.
- B. A running stream of water.
- C. A natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) in a definite channel having a bed or banks and usually discharging into some other stream or body of water.

Water Facilities: The structures, equipment and processes required to collect, pump, treat and distribute to the users.

## **APPENDIX B**

### **SCHEDULE A - WATER SERVICE CHARGE**

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

1. \$3.44 per 1,000 gallons of water consumed. Said fee shall be reviewed and adjusted annually by the Village Board as required.
2. Monthly service charge shall be \$12.01. Said fee shall be reviewed and adjusted annually by the Village Board as required.
3. For 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.

### **SCHEDULE B - WATER TAPPING FEE**

Water tapping fees will be charged for connecting or tapping onto the water facilities of the Village, plus an inspection fee as from time to time set by the Board of Trustees. The water tapping fee shall be paid at the time of application of service. The fee for each residential unit shall be \$5,976.45. The fee for commercial or industrial customers shall be determined at the time of permitting based upon demand and consumption.

### **SCHEDULE C - WATER METER FEE**

Water meters, up to one-inch in size, shall be furnished and installed by the Village at the expense of the user. Replacement or repair of oversize meters shall be at the expense of the user.

### **SCHEDULE D – ADDITIONAL METER FOR OUTDOOR WATERING**

An additional water meter may be installed to meter water used for outdoor watering at residences that are also connected to the Village's sewer system. Residents electing to install the additional meter will be responsible for all costs, including but not limited to, meter and installation cost, plumbing inspections and building permit for plumbing modifications. Meter shall be provided and installed by the Village at the owner's expense once all plumbing modifications are completed. Residents will be charged the same water usage rate and monthly service charge on this additional meter as stated in Schedule A but will not have to pay the sewer rate or sewer monthly charge.