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**ORDINANCE NO. 2019-20-03**  
***An Ordinance Amending Certain Sections of Chapter 38,  
Sewer Use Ordinance and Chapter 39 Water Department General Provisions, of the Johnsburg  
Municipal Code***

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON MAY 21, 2019  
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry  
Beth Foreman  
Kyle Frost  
Josh Hagen  
Greg Klemstein  
Kevin McEvoy

Village Administrator

Claudett E. Peters

**ORDINANCE NO. 2019-20-03**  
**An Ordinance Amending Certain Sections of Chapter 38,**  
**Sewer Use Ordinance and Chapter 39 Water Department General Provisions, of the Johnsburg**  
**Municipal Code**

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: That Chapter 38, Sewer Use Ordinance of the Johnsburg Municipal Code, is hereby amended as attached Exhibit A.

SECTION 2: That Chapter 39, Water Department General Provisions of the Johnsburg Municipal Code, is hereby amended as attached Exhibit B.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

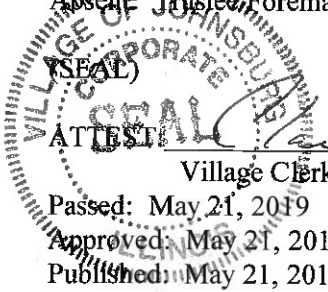
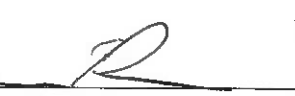
Voting Aye: Trustees McEvoy, Klemstein, Hagen, Curry and Frost

Voting Nay: None

Abstain: None

Absent: Trustee Foremann

APPROVED:   
\_\_\_\_\_  
Village President Edwin P. Hettermann

 (SEAL)  
ATTEST:   
\_\_\_\_\_  
Village Clerk Claudett E. Peters  
Passed: May 21, 2019  
Approved: May 21, 2019  
Published: May 21, 2019

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 sewer 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.

ARTICLE IX Ordinance in Force

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2 Passed and adopted by the President and Board of Trustees of the Village of Johnsburg, State of Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX by the following vote:

Ayes \_\_\_\_\_ namely \_\_\_\_\_

Nayes \_\_\_\_\_ namely \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Edwin P. Hettermann, Village President

Attest:

\_\_\_\_\_  
Claudett E. Peters, Village Clerk

## 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. Said rates or charges for service shall be payable bi-monthly depending on the classification of service for which bills are rendered. 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 to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

~~Bills for sewer service shall be sent out by the Village Deputy Clerk/Collector on the first week of the month succeeding the period for which the service is billed. Bills for sewer service shall be sent to the property owner of record or as directed otherwise by the property owner of record.~~

~~All sewer bills are due and payable by the last of the month after being sent out. A penalty of 10% but no less than \$5.00 shall be added to all bills not paid by the 30<sup>th</sup> day after the date bills are rendered.~~

~~Sec. 2 Delinquent charges, termination: Provisions for delinquent charges and termination are set forth in Chapter 39, Section 29. 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/Collector shall send the following reminder notice mail by regular mail to the owner of the premises, occupant and/or user of the service.~~

~~REMINDER NOTICE~~

~~Our records indicate that your water and sewer 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 and sewer service. Questions regarding this matter should be directed to the Deputy Clerk/Collector 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/Collector, 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 in the form of any or all of the following: regular mail, certified mail, hand delivery or posting on property.~~

~~NOTICE OF TERMINATION~~

~~You have failed to reply to our previous requests for payment of your water and sewer 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 disconnection, 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. After 4:30 p.m., an administrative processing fee of \$35.00 shall be assessed.~~

~~If service is disconnected, the building will be red-tagged as "unfit for human occupancy."~~

~~Services shall not be reinstated until the bill, together with the administrative processing fee, have been paid. Reinstatement between 4:30 p.m. and 7 a.m. on weekdays, or at any time on weekends and holidays, will require payment of a further surcharge in the amount of \$40.00.~~

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

~~BY: \_\_\_\_\_ Deputy Clerk/Collector~~

~~Before service is terminated the occupants and the property owner may request in writing a hearing before the Village 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 sewer service may be terminated by the Village if the delinquent charges set forth in the notice remain unpaid.~~

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

~~Sec. 3 REINSTATEMENT OF SERVICE Provisions for reinstatement of service are set forth in Chapter 39, Section 30. Upon payment to the Deputy Clerk/Collector of the full delinquency, plus the costs of disconnection, and hook-up fees as established in Appendix #3, and upon deposit with the Village an amount equal to the estimated user charges for one billing period, the Village will connect the service or issue a permit for the service to be connect. If a permit is issued to reinstate the service the owner of the premises or the occupant and user of the service shall pay all costs necessary to connect the service, including inspection and supervision costs incurred by the Village. In the event connection does not take place during regular business hours the charges will be increased by 50 percent.~~

~~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 connection of service, the McHenry County Department of Health shall remove the red tag from the building and the building shall, so far as the Village is concerned, be "fit for human occupancy".~~

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. Any person, firm or corporation violating any provisions of this article shall be fined as established in Appendix #4.

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.

ARTICLE V Ordinance in Force

Sec. 1 This Ordinance shall be In full force and effect from and after its passage and approval and publication as provided by law.

Sec. 2 Passed and adopted by the of President and Board of Trustees of the Village of Johnsburg, State of Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX by the following vote:

Ayes: \_\_\_\_\_ namely

Nayes: \_\_\_\_\_ namely

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

\_\_\_\_\_  
Edwin P. Hettermann, Village President

ATTEST:

\_\_\_\_\_  
Claudett E. Peters, Village Clerk

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 Johnsburg.

"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 issuant 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 ~~\$7,013.32~~ \$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. ~~\$3.67~~ \$3.96 per 1,000 gallons of water consumed. Said fee shall be reviewed and adjusted annually as required.
2. Monthly fixed rate shall be ~~\$13.00~~ \$14.02
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 ~~\$32.00~~ \$34.50 per month. Said fee shall be reviewed and adjusted annually as required.

CHAPTER 39  
**WATER DEPARTMENT GENERAL PROVISIONS**

- 39.01 Creation
- 39.02 Superintendent
- 39.03 Duties of Department
- 39.04 Definitions
- 39.05 Billing Duties
- 39.06 Disposition of Revenues
- 39.07 Accounts
- 39.08 Filing Regulations
- 39.09 Powers and Authority of Inspectors
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Appendix A: Definitions

Appendix B: Schedules A, B, C and D Fees

**39.01 CREATION**

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

**39.02 SUPERINTENDENT**

Chapter 39 Water Department General Provisions

Approved:

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Village of Johnsbury

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 in the form of any or all of the following: regular mail, certified mail, hand delivered or posted by or 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 disconnection, 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. ~~After 5 p.m., an administrative processing fee of \$35.00 shall be assessed.~~

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 ~~administrative processing-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 ~~\$40.00~~\$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, ~~or issue a permit for the service to be reinstated. If a permit is issued to reinstate the service the owner of the premises or the occupant and user of the service shall pay all costs necessary to reinstate the service, including inspection and supervision costs incurred by the Village. In the event reinstatement does not take place during regular business hours the charges will be increased by 50 percent.~~

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. ~~\$3.19~~ \$3.44 per 1,000 gallons of water consumed. Said fee shall be reviewed and adjusted annually as required.
2. Monthly service charge shall be ~~\$11.14~~ \$12.01.
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 1-inch water line that connects or taps into the Village's potable water facilities shall be ~~\$5,542.78~~ \$5,976.45. The fee for water lines exceeding 1-inch for residential, commercial or industrial customers shall be established from time to time by the Board of Trustees.

**SCHEDULE C - WATER METER FEE**

All one inch water meters shall be furnished by the Village at the expense of the user, plus a \$50.00 installation fee. 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.



**CERTIFICATION**

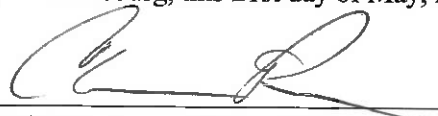
I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 21st day of May, 2019 the foregoing Ordinance entitled *An Ordinance Amending Certain Sections of Chapter 38, Sewer Use Ordinance and Chapter 39 Water Department General Provisions, of the Johnsburg Municipal Code* , was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2019-20-03 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 21st day of May, 2019 and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 21st day of May, 2019.



Claudett E. Peters, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

