

VILLAGE OF GIFFORD, ILLINOIS

ORDINANCE NO. 133

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; AND THE LEVYING OF CHARGES FOR WASTEWATER SERVICES (USER CHARGES), IN THE VILLAGE OF GIFFORD, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS.

BE IT ORDAINED AND ENACTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD, STATE OF ILLINOIS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

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

101. Federal Government

- (a) "Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).
- (b) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
- (c) "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.

102. State Government

- (a) "State Act" means the Illinois Anti-Pollution Bond Act of 1970.
- (b) "Director" means the Director of the Illinois Environmental Protection Agency.
- (c) "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.

103. Local Government

- (a) "Ordinance" means this ordinance.
- (b) "Village" means the Village of Gifford, Illinois.
- (c) "Superintendent" means the Superintendent of the Wastewater System.

104. "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.

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

106. Clarification of word usage: "Shall" is mandatory; "may" is permissible.

107. Wastewater and its characteristics:

- (a) "Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (b) "Sewage" is used interchangeably with "wastewater".
- (c) "Effluent Criteria" are defined in any applicable "NPDES Permit".
- (d) "Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.
- (e) "Unpolluted Water" is water of 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.
- (f) "ppm" shall mean parts per million by weight.
- (g) "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.
- (h) "Suspended Solids" 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 "Standard Methods".

- (i) "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.
- (j) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".
- (k) "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (l) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (m) "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.
- (n) "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.
- (o) "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 0.17 pounds of BOD and 0.22 pounds of suspended solids.
- (p) "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.
- (q) "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.
- (r) "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 per-

cent 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 issuance 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.

108. Sewer Types, and appurtenances:

- (a) "Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- (b) "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary system, even though those sewers may not have been constructed with Village funds.
- (c) "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 unpolluted industrial wastes are not intentionally admitted.
- (d) "Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- (e) "Combined Sewer" shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.
- (f) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (g) "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.
- (h) "Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.
- (i) "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.
- (j) "Easement" shall mean an acquired legal right for the specific use of the land owned by others.

109. Treatment:

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

(b) "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".

110. "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 water course.

111. Watercourse and connections:

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

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

112. User types:

(a) "User Class" shall mean the type or user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(b) "Residential or Commercial" or "Non-industrial" user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

(c) "Industrial User" shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A -- Agriculture, Forestry, and Fishing.

(b) Division B -- Mining.

(c) Division D -- Manufacturing.

(d) Division E -- Transportation, Communications, Electric, Gas and Sanitary Services.

(e) Division I -- Services.

A user in the Divisions listed may be excluded if it is determined by the Superintendent that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(d) "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.

113. Types of Charges:

(a) "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 Article VIII and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

- (b) "Basic User Rate" shall mean the per 1000 gallon rate charge to all users based upon water consumption or wastewater discharge for the cost of operation, maintenance, replacement and debt service.
- (c) "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 Article VIII.
- (d) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service 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.
- (e) "Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be 40 years from the date of start-up of any wastewater facilities constructed with a State grant.
- (f) "Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

## ARTICLE II

### USE OF PUBLIC SEWERS REQUIRED

- 201. 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 Gifford or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- 202. It shall be unlawful to discharge to any natural outlet within the Village of Gifford, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 203. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- 204. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

## ARTICLE III

### PRIVATE SEWAGE DISPOSAL

301. Where a public sanitary sewer is not available under the provisions of Article II, Section 204, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article III.
302. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. 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 are deemed necessary by the Superintendent. A permit and inspection fee of ten (10) dollars shall be paid to the Village at the time the application is filed.
303. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. 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 Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the Superintendent.
304. 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 and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet (929 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
305. At such time as a public sewer 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.
306. 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.
307. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village Board.
308. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

## ARTICLE IV

### BUILDING SEWERS AND CONNECTIONS

401. 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 Superintendent.
402. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.
403. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of ten (10) dollars for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
404. 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.
405. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
406. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
407. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this ordinance.
408. 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 backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifica-



cations of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

409. 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 lifted by a means which is approved in accordance with Article IV, Section 402, and discharged to the building sewer.
410. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
411. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
412. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
413. 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.

## ARTICLE V

### USE OF THE PUBLIC SEWERS

501. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
502. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

503. 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 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 5.5 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.
504. No industrial user may discharge sewage into any public sewer until the Village has adopted an industrial cost recovery system which:
- (a) meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (citation) and applicable federal regulations; and
  - (b) has been approved by the Agency in accordance with the conditions of any grant made to the Village by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Village.
505. 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 Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent 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 plant 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, in excess of one hundred (100) mg/l 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 Superintendent.
- (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent 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.
- (g) Any radioactive wastes, or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.
- (j) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.
- (k) 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.
- (1) 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.

506. 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 505 of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Superintendent 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 Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (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 502 of this Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

507. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent 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 Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

508. 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.
509. Each industry shall be required to install a control manhole and, when required by the Superintendent, 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. 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.
510. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, test, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.
511. 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 "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

512. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with Article VIII, hereof, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

#### ARTICLE VI

##### PROTECTION OF SEWAGE WORKS FROM DAMAGE

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

#### ARTICLE VII

##### POWERS AND AUTHORITY OF INSPECTORS

701. The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
702. While performing the necessary work on private properties referred to in Article VII, Section 701 above, the Superintendent or duly authorized employees of the Village, 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 employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 509.
703. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation,

measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE VIII

### WASTEWATER SERVICE CHARGES

801. 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 for operation maintenance, replacement, and debt service and a surcharge, if applicable.

The basic user rate shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- (a) A five day, 20 degree centigrade (20° C) bio-chemical oxygen demand (BOD) of 204 mg/l.
- (b) A suspended solids (SS) content of 264 mg/l.

It shall consist of operation, maintenance, debt service and replacement costs, and shall be computed as follows:

- (a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund and a debt service fund for the year, for all works categories.
- (b) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.
- (c) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (d) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.
- (e) Compute costs per 1000 gal. for normal sewage strength.
- (f) Compute surcharge costs per 1000 gal. per mg/l in excess of normal sewage strength for BOD and SS.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (204 mg/l) and SS (264 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 204 mg/l and 264 mg/l concentration for BOD and SS respectively. Article VIII, Section 806 specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge 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 or a change in operation and maintenance costs including replacement costs.

802. 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 100 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 a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent 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 Superintendent 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, unless service is cancelled, without the consent of the Superintendent.
803. Basic user rate: There shall be and there is hereby established a basic user rate for the use of and for services supplied by the Wastewater Facilities of the Village.
- A basic user rate of \$2.00 per 1,000 gallons shall be applied to all users for water consumption in excess of 3,000 gallons per month.
- This basic user rate shall be comprised of the following components:
- (a) Operation, maintenance and replacement rate: this rate is hereby established at \$0.70 per 1,000 gallons.
  - (b) Debt service rate: this rate is hereby established at \$1.30 per 1,000 gallons.
804. Minimum user charge: There shall be and there is hereby established a minimum user charge for the use and for service supplied by the Wastewater Facilities of the Village.
- A minimum user charge of \$6.00 per month shall be applied to all users whose water consumption does not exceed 3,000 gallons per month.
805. Non-metered residential user charge: There shall be and there is hereby established a minimum flat rate charge per month which shall be paid by all non-metered residential users.



The flat rate charge shall be \$14.00 per month, which will allow a maximum of 7,000 gallons per month, and which shall be adequate to cover the costs of debt service, minimum user charge, operation, maintenance and replacement.

In the event use of the Wastewater Facilities is determined by the Superintendent to be in excess of 7,000 gallons per month, the Superintendent may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

806. Surcharge rate: The rates of surcharges for BOD<sub>5</sub> and SS shall be as follows:

BOD<sub>5</sub>: \$48/100 lbs. in excess of 17 lbs./month  
SS: \$38/100 lbs. in excess of 22 lbs./month

807. Computation of surcharge: The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

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

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

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

CM = Minimum charge for Debt Services, Operation, Maintenance and Replacement (Section 804).

Vu = Wastewater Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (Section 804).

CU = Basic User Rate for Operation, Maintenance and Replacement (Section 803).

CS = Amount of Surcharge (Sections 806 and 807).

## ARTICLE IX

### GENERAL PROVISIONS

901. Bills: Said rates or charges for service shall be payable monthly.

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 on the first day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable 10 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 10th day after they have been rendered.

902. Delinquent bills: If the charges for such services are not paid within 30 days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

903. Lien-Notice of delinquency: Whenever a bill for sewer service remains unpaid for 60 days after it has been rendered, the Village shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

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

The failure of the Village 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 foreclose the lien for unpaid bills as mentioned in the foregoing section.

904. 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 90 days after it has been rendered.

905. Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village treasurer separate and apart from his private funds and 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 treasurer 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 President and Board of Trustees.

The Village treasurer 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 and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village". Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

906. Accounts: The Village 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 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 under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

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

907. Notice of rates: A copy of this article properly certified by the Village treasurer, shall be filed in the office of the Recorder of Deeds of Champaign County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said Village on their properties.

908. Access to Records: The Illinois Environmental Protection Agency 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 or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

## ARTICLE X

### EFFECTIVE DATE OF RATES

The rates and service charges established for user charges in Article VIII, Section 803 through Section 806 shall be effective as of the next fiscal year beginning April 1, 1978 and on bills to be rendered for the next succeeding month being May, 1978.

## ARTICLE XI

### PENALTIES

1101. Any person found to be violating any provision of this ordinance except Article V shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
1102. 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 exceeding 300 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
1103. Any person violating any of the provisions of this ordinance shall become liable to the Village by reason of such violation.

## ARTICLE XII

### VALIDITY

1201. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
1202. 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 XIII

### ORDINANCE IN FORCE

1301. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
1302. Passed and adopted by the Board of Trustees of the Village of Gifford, State of Illinois on the 29th day of November, 1977, by the following vote:

Ayes Six : namely Derald Ackerman, Allen Carlson,  
Paul Ray, William Hylbert,  
Paul Severins, Leland Albers

Nays None : namely \_\_\_\_\_

Approved this 29th day of November, 1977

(Signed) *Soren R. Walston*  
(Village President)

Attest:  
(Signed) *Jack E. Loun*  
Clerk