

VILLAGE OF GIFFORD  
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 288

AN ORDINANCE REVISING THE RULES AND REGULATIONS OF THE MUNICIPAL WATERWORKS SYSTEM OF THE VILLAGE OF GIFFORD, CHAMPAIGN COUNTY, ILLINOIS AND FIXING RATES AND CHARGES FOR WATER AND SERVICES FURNISHED BY SAID WATERWORKS SYSTEM AND REPEALING EXISTING ORDINANCES IN CONFLICT THEREWITH

PASSED BY THE  
BOARD OF TRUSTEES  
AND APPROVED BY THE  
PRESIDENT OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF GIFFORD  
ON June 5, 2008

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Gifford, Champaign County, Illinois, this 5<sup>th</sup> day of June, 2008.

ORDINANCE NO. 288

AN ORDINANCE REVISING THE RULES AND REGULATIONS OF THE MUNICIPAL WATERWORKS SYSTEM OF THE VILLAGE OF GIFFORD, CHAMPAIGN COUNTY, ILLINOIS AND FIXING RATES AND CHARGES FOR WATER AND SERVICES FURNISHED BY SAID WATERWORKS SYSTEM AND REPEALING EXISTING ORDINANCES IN CONFLICT THEREWITH

Adopted by the

President and Board of Trustees

of

The Village of Gifford

this 5<sup>th</sup> day of June, 2008

BE IT ORDAINED BY THE MAYOR AND THE VILLAGE BOARD OF THE VILLAGE OF GIFFORD, ILLINOIS, as follows:

**Section 1:** An Ordinance Providing for the regulation and operation of the municipal waterworks system of the Village of Gifford, Champaign County, Illinois, and fixing said rates and charges for water and water services furnished by said waterworks system in conflict with the provisions of this Ordinance are hereby repealed.

**Section 2: DEFINITIONS.**

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

- a) "Ordinance" means this ordinance and any amendments subsequently adopted.
- b) "Village" means the Village of Gifford, County of Champaign, State of Illinois.
- c) "Person" shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- d) "Water Fund" means the Village of Gifford Fund maintained for the receipts and disbursements relating to operation and maintenance of the Water System and for depreciation reserve and for payment principal and interest on revenue bonds for the Water System.

e) "President" means the President of the Board of Trustees of the Village of Gifford, Champaign County, Illinois.

f) "Water Committee" means the committee consisting of three members of the Board of Trustees of the Village of Gifford appointed by the President.

g) "Water Department" means the Executive Department of the Village established for the operation of the Village Water System.

h) "Water Superintendent" is the person appointed by the President, subject to confirmation by the Board of Trustees, to superintend the water department and who shall have the general management and control of the water system, subject to supervision of the water committee and the Board of Trustees.

i) "Water Collector" is the person appointed by the President, subject to confirmation by the Board of Trustees, to collect revenues due the water department.

### **Section 3: WATER COMMITTEE.**

The Village Water Committee hereinafter referred to as the Water Committee, shall have the supervision, management, and control, subject to approval from the Village Board, of the maintenance, enlargement, and operation of the water works system of the Village. All matters and things connected to the operation, maintenance, and extension of the waterworks system, and the selling of water therefrom and preserving the property belonging thereto.

### **Section 4: WATER DEPARTMENT AND SUPERINTENDENT.**

There is hereby established an executive department of the Village to be known as the "Water Department" and the President is hereby authorized to appoint, subject to confirmation by the Board of Trustees, a Superintendent of the Water Department and all other necessary employees, and said Superintendent shall have the general management and control of the waterworks system, subject, however, to the supervision of the Water Committee.

### **Section 5: WATER COLLECTOR AND REVENUES.**

The President is authorized to appoint, subject to confirmation by the Board of Trustees, a Water Collector. It is the duty of the Water Collector of the Village to render bills for the water service and for charges in connection therewith and to collect all moneys due. All such revenues shall be delivered to the Village Treasurer at least twice monthly or more frequently. Sufficient Revenue received from the operation of the Waterworks system shall be deposited in a separate fund designated as the water fund of the municipality. It shall be used only (1) to pay the cost of operation and maintenance of the system and (2) to provide an adequate depreciation fund. The water and services of the waterworks system of the Village shall not be furnished free to any person. Every user of water from the Village waterworks system shall have a metered connection to the system.

### **Section 6: USE OF PUBLIC WATER SYSTEM REQUIRED.**

The owner of all houses, buildings, or properties used for human occupancy, employment, business, recreation, or other purposes situated within the corporate limits of the Village and abutting in any street, alley, right-of-way, or easement in which there is now located or may be in the future be located any public water main of the Village, is required at his expense to connect to the public water system in accordance with the provisions of this Ordinance, within 90 calendar days after the date of official notice to do so, provided the public water main is within 100 feet of the property.

#### **Section 7: APPLICATION FOR SERVICES.**

No water shall be furnished for any use until the person who desires the water makes written application therefore to the Water Collector, stating the location at which the service is requested and the purpose for which the water is to be used; and pays the fees stated herein as required for connection. Applications for service shall be made at least 7 days prior to the date service is required.

#### **Section 8. METERS.**

All water consumers supplied by the Village of Gifford shall be supplied through meters only, except as specified in Section 9 (b), and shall pay for the water at the rates and in the manner hereinafter specified.

#### **Section 9: RATES AND CHARGES.**

Basic Rates:

a) The basic water rates shall apply to all single-family dwellings, commercial, and industrial premises, as well as multiple dwelling units and those premises where more than one dwelling unit is served by one water meter.

b) The basic water rates shall be based on water usage as recorded by water meters, except that if a meter fails to operate properly or conditions prevent the reading of meters, then each bill for water service for that period be estimated by the Village, with the basis for the estimate being the user's past usage during the same billing period in the past two years. If no record of the previous years exists, then it shall be the duty of the Superintendent of the waterworks to estimate or determine so far as he can the amount of water consumed during the time such meter fails to operate, and the consumer shall pay the amount so estimated.

c) The volume of water used for computing the basic water rates shall be metered water consumption read to the fractional increment of 1000 gallons.

d) For users having more than one (1) dwelling unit on the premises, one (1) minimum charge shall be charged for each dwelling unit on the premises.

e) For hookups made within 15 days or less remaining in that month's billing cycle, the flat minimum rate described below will not be charged.

f) For hookups made with more than 15 days remaining in that month's billing cycle, the rates will be charged as described below.

g) The water rates for service within the corporate limits of the Village shall be established from time to time by ordinance. The initial rates under this Ordinance shall be as follows: in any calendar month, for any amount not greater than 2,000 gallons, \$14.00 per month, and \$2.70 for each 1000 gallons, or portion thereof, in excess of 2,000 gallons. Additionally, each dwelling unit, commercial or industrial premise, a monthly charge of \$6.00 shall be collected to provide adequate funds to maintain and improve the Village storm water drainage system.

h) For users who are not within the corporate limits of the Village the rates for water usage shall be one and one-half the amount charged users within the corporate limits, subject to negotiation. The Village authorities may determine, in their absolute discretion, on a case-by-case basis, whether and on what terms to furnish water to users outside the Village corporate limits.

#### **Section 10: PAYMENT PROCEDURES.**

(A) Rates and charges for service shall be due before the tenth (10<sup>th</sup>) of the month of the month billed (hereafter "due date"). The owner of the premises being served, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service furnished to the premises by the Village.

(B) All bills for water service shall be rendered before the first day of the month succeeding the period for which the service is billed, and shall be payable not later than the close of the business day of due date. A 10% late charge shall be added to all bills, or remaining parts thereof, not paid before the due date.

(C) If the rates or charges for service are not paid within forty-five (45) days after rendition of the bill for the services, the Village Water Collector is authorized and directed to notify in writing the owners of the premises, and the occupant thereof, as it appears in the Village records, that nonpayment exists and that if such non-payment continues to exist at the end of fifteen (15) additional calendar days, such services shall be disconnected. Upon disconnection of any service, the charge of \$25.00 shall be made for reconnecting the service. Reconnection of the service will not be made by the Village until after settlement of the unpaid account.

(D) Any customer who pays a water bill with a check which is returned unpaid for "NSF - insufficient funds" shall be charged a fee of \$15.00 per NSF check which shall be added to and included on the customer's water bill.

### **Section 11: DELINQUENT BILLS.**

(A) In the event the charges for service are not paid within sixty (60) days after rendition of the bill for service, the charges shall be declared delinquent, and thereafter the delinquencies shall constitute liens upon real estate for which the service is supplied. The Village Clerk is authorized to file from time to time, as directed by the Village President, sworn, detailed statements showing delinquencies in the office of the County Recorder of Deeds in the manner required by the Illinois Municipal Code and the filing of the statement shall be deemed notice of the lien for payment of the service rendered.

(B) The Village Attorney shall institute administrative or judicial collection procedures, and/or judicial foreclosure proceedings against any property, for which a bill has remained unpaid 30 days after it has been rendered, as directed by the Board of Trustees.

### **Section 12: VILLAGE'S RESPONSIBILITY AND LIABILITY.**

(A) Ownership, installation, and maintenance. The Village shall install, own and maintain the complete water system, water mains, and service lines to the property lines or a mutually agreed upon point, subject to the Village Board's determination that a particular service is economically feasible to install. The Village shall furnish, install, and maintain the service line from the main to a curb stop installed in a meter pit on the Village right-of-way, near the user's property line nearest the main, or such a point determined by a duly authorized representative of the Village.

(B) The Village shall furnish a water meter for use by the customer. The meter shall be installed in a meter pit located within the Village right-of-way, except that in certain new and existing new installations, the Village, at its discretion, may require that the water meter be installed indoors within the user's dwelling, with a remote readout devise mounted on the exterior of the dwelling. In new installations, the indoor meter installation shall be completed by the user and shall comply with all local and state plumbing codes. Upon completion of the new meter installation, the user shall notify the Village Water Superintendent and arrange for an inspection of the installation by the Village Water Superintendent, prior to establishment of water service. The location of the indoor meter and the remote readout devise shall be approved by the Village Water Superintendent prior to installation.

(C) Refusal of service. The Village may at any time refuse additional service to any applicant if in the judgment of the Village Board that the capacity of the system will not permit such use or the service is not economically feasible.

(D) Liability. All water service supplied by the Village shall be upon the express condition that the Village shall not be liable nor shall any claim be made against it for damages or injury caused by reason of the shutting off of water for repair, relocation, or expansion of any part of the system; failure of any part of the system; or for concentration of water for such purposes as fire-fighting or restricted use of water.

(E) Use of water on user's premises. The Village shall reserve the right to use a reasonable volume of water from the user's facilities at any reasonable time deemed necessary. No charge shall be made by the user for such Village use of his or her facilities and no charge shall be made by the Village for the water used by the Village.

### **Section 13. USER'S RESPONSIBILITY.**

(A) Installing and maintaining service lines. The user shall be completely responsible for installation and maintenance of service lines and plumbing between the meter and residence or business. The service line must be at least  $\frac{3}{4}$ " in diameter, and must be installed to depth of not less than four feet below the ground surface. Service lines must have a minimum working pressure rating of 150 psi at 73.4°F and must be constructed of either Type K copper, or Schedule 40 PVC. Service lines shall not be covered until they are inspected and approved by a duly authorized representative of the Village. The user shall not connect any other water source to any structure or plumbing system connected to the public water system. The user shall not modify the meter installation or the service line installation in a way so as to allow water to pass to the user without being metered. The service line must meet all requirements of the Illinois Environmental Protection Agency and the State of Illinois Plumbing Code.

(B) Installation and protection of water meters.

1. In water meter installations in which the meter and the remote device is located on the user's premises, the user shall be responsible for the installation of the meter and remote readout device supplied by the Village. The meter installation shall be at a location protected from freezing and shall be in accordance with all applicable state and local codes.

2. When remote meters located on the user's premises are damaged by frost, freezing or any other means, the Village Water Superintendent shall be notified at once. The cost of repairing the meter or meters damaged by frost or negligence shall be paid by the person owning the property.

(C) Access and easements. The user shall grant all easements and rights-of-way to the Village as may be necessary for the installation of service to the user's property and will allow access for the purpose of construction, repair, maintenance, meter reading, and relocation of the user's service. The necessity of such access shall be determined by the Village Water Committee.

(D) Damage to Village property. No person shall tamper, adjust, damage, or in any manner interfere with the components or operation of the water system owned by the Village. Service shut-off valves and hydrants shall be opened by duly-authorized representatives of the Village. No person or customer other than the Village Water Superintendent or his or her duly authorized representative shall tap into any Village-owned water main. The penalty for such violations are specified within "PENALTIES" herein.

(E) Specified uses of Water. Water purchased from the Village may be used for ordinary domestic, commercial industrial, or farm uses upon the premises of the user, provided the following are met:

1. No user shall resell or permit the resale of water for potable use, which has been purchased from the Village, unless permission is granted by the Village Board.

2. If more than one family unit is located upon the premises, the user shall make application for each family unit. A separate shut-off valve, meter and service line shall be installed for each family unit (i.e., as trailer park, duplex, apartment house, or condominium complex shall have a separate service for each family unit.)

(F) The user of the water shall be completely responsible for payment for all water, which passes through the user's meter, except as noted in "LEAK ADJUSTMENT POLICY" stated herein. No credits or adjustments will be made to bills due to above-ground leaks, frozen pipes, broken appliances, or lawn watering on the user's premises.

#### **Section 14: PENALTIES.**

Any person violating any of the terms and provisions of this Ordinance or any of the rules and regulations herein, shall be subject to the penalty charge of \$50.00. The penalty shall be payable to the Village of Gifford. If the penalty is not paid within 30 days or the violation discontinued within 5 days after notification by the Village, the Village shall shut off the water service and re-connection shall not be completed until the penalty is paid in full.

In addition to the penalty charge, the person or persons guilty of a violation shall reimburse the Village for the actual cost of repairing or replacing any items damaged from such violation, plus all costs and attorneys fees incurred by the Village in stopping the violation, collecting the penalty and the cost of repair.

#### **Section 15: METER TESTING.**

(A) Any customer may at any reasonable time, request verification of the accuracy of the water meter in use on their premises. Such test will be made at an independent testing facility, as designated by the Village. Prior to the test, the customer is required to deposit with the Village the sum of \$50.00 to cover the cost of removing, testing, and replacing such meter.

(B) In the event that the test on the meter reveals that the meter registers over, by more than 4%, (such percentage to be defined as the average of the check-and-open flow tests as provided by the independent testing agency), then a meter accurate to those specifications shall be substituted and the test deposit shall be fully refunded. Credit will be granted, based on the percentage over 100% accuracy, for a billing period equaling not more than two (2) months prior to the date of removal of the meter for testing.



(C) In the event that the meter is found to be registering within the specified 4% limit for overage, the customer shall forfeit the \$50.00 deposit and such funds shall be deposited in the Village of Gifford Water Fund.

**Section 16: LEAK ADJUSTMENT POLICY.**

(A) Any residential customer may at any reasonable time, apply to the Village Water Collector for an adjustment to the customer's water bill, due to leakage in the customer's system. A leak adjustment will be considered on a case-by-case basis and only if the following criteria are met.

1. It has been conclusively determined that the leak has been a subsurface leak – on the service line between the meter box and the customer's premises. No leak adjustments will be granted for above ground leaks.

2. It has been conclusively determined by the Village Water Superintendent that the customer has not had beneficial use of the water in question. Beneficial use of the water shall include, but be not limited to the filling of swimming or wading pools, intentional or unintentional subsurface irrigation of grasses, crops and/or gardens.

3. It has been conclusively determined by the Village Water Superintendent that no portion of the "excess" water metered has been caused by gross negligence on the part of or on behalf of the customer, including but not limited to, plumbing installation work not in conformance with the State of Illinois Plumbing Code.

4. A leak adjustment has not been previously granted for the water service to the property in question within the last five (5) consecutive years prior to the application in question.

5. The volume of water used during the period being applied for, as indicated by the meter reading, is not less than 3 times the "normal" usage for that customer. Normal usage is defined as the water usage for that customer for the same billing periods of the last 3 years or the best available data if less than 3 years is available for that customer.

(B) The leak adjustment will be considered for only one (1) two-month billing period. A leak adjustment application for a period of usage extending over more than one billing period will automatically be reduced to the most recent part of the application.

(C) The Water Collector shall determine the leakage adjustment using the accepted calculation procedure as shown on Attachment "A" to this Ordinance. The Water Collector shall determine the customer's normal usage and shall compare that normal usage to that on the bill in question. The difference between the "normal" usage and the bill in question shall be defined as the "excess volume". The leakage adjustment, if granted, shall be a reduction in the due amount of the bill equal the value of 50% of the excess volume of water is billed by the rates listed herein and revisions henceforth.

### **Section 17: EXTENSIONS OF WATER MAINS.**

The requirements for extensions of water mains shall be as follows:

1. The Village Board must approve all plans and specifications for any extensions.
2. Before any extensions are installed, the plans and specifications must be reviewed and approved by and a permit obtained from the Illinois Environmental Protection Agency.
3. Ownership, rights-of-way, and title must be conveyed to the Village for the extensions installed by anyone other than the Village. The Village will maintain the mains thereafter.
4. No extension will be permitted if, in the opinion of the Village Board, the water system does not have the capacity to serve the proposed extension.
5. Cost of water main extensions. The total cost of all water main extension shall be borne by the person requesting the extension, unless it is determined by the Village Board that it is to be benefit of the Village as a whole to participate in some manner in the construction of the extension.

### **Section 18: REGULATIONS.**

The following regulations for consumers of water and plumbers are hereby adopted and established:

1. No person shall in any manner obstruct the access to any stop-cock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of said water system, nor pile or place any lumber, brick or building material or other article, thing or hindrance whatsoever within twelve feet of the same, or so as to in any manner hinder, delay or obstruct the members of the fire department in reaching the same. It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in said water system, reservoir or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shutoff box, public fountain, valve, engine or building connected with said water system, or plant, or to cause, suffer, or permit any of said things to be done. Any person who shall perform any act in violation of this section shall upon conviction thereof be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense, and shall in addition be liable for the actual damage done or caused.
2. No water consumer may supply water to other families or allow them to take it, except for use on the premises and for the purposes specified in the application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap, or connection with the work upon the premises for alterations, repairs,

extensions or attachments without a written permit therefore to be issued by the Superintendent of the waterworks system.

3. The Village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Village in case of deficiency in supply. No claim shall be made against the Village by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of other connections or repairing any part of the water system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as above.

4. No person shall block, cover, asphalt over, fill with dirt, or otherwise cover or obstruct a water meter located within the Village right of way. If a meter is covered over, asphalted over, concreted over, filled over with dirt, or otherwise covered, then the Village Water Department shall uncover said water meter to its former and appropriate condition whereby said meter may be read in the customary manner. The Water Department shall excavate and uncover said meter and the cost thereof shall be paid by the owner of the property, which is serviced by said meter. If there is more than one owner of said property, then the owners shall be jointly and severally liable for such cost. The cost of uncovering a meter as provided in this Section shall be a lien against the real estate and an appropriate notice thereof may be filed with the Champaign County Recorder to affect such lien, as in the case of unpaid water bills. This lien may be enforced by the Village Attorney as directed by the Board of Trustees.

#### **Section 19: SUSPENSION OF SERVICE**

The right is reserved to suspend the use of lawn fountains, hose for sprinkling lawns and gardens, and the use of water for private or commercial vehicle washing or other unessential uses specified by the Water Committee, whenever in the opinion of the Board of Trustees public emergencies require it.

#### **Section 20: PUBLICATION**

This Ordinance shall be published in pamphlet form and after its passage, approval and publication shall be effective on the 1<sup>st</sup> day of August, 2008.

#### **Section 21: PRIOR CONNECTIONS**

All water service connections legally installed under a prior ordinance shall be "grandfathered" into the water service system under this ordinance without the requirement to pay any fees under this ordinance other than those charges made for water usage.

#### **Section 22. NOTICE TO OWNERS.**

A copy of this Ordinance properly certified by the Village Clerk, 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 their liability for service supplied to any users of the service of the water system

of said Village of their properties, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois hereunto enabling them to file all claims for money due to the Village and to prosecute and enforce such claims in the manner, form, and time as permitted by the laws of the State of Illinois.

Passed by the President and Board of Trustees of the Village of Gifford, Illinois on the 5<sup>th</sup> day of June, 2008, and deposited and filed in the office of the Village Clerk of the Village this 5<sup>th</sup> day of June, 2008.



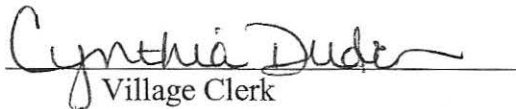
\_\_\_\_\_  
President

Approved by the President of the Board of Trustees of Gifford, Illinois, this 5<sup>th</sup> day of June, 2008.



\_\_\_\_\_  
President

Attest:



\_\_\_\_\_  
Village Clerk

STATE OF ILLINOIS )  
COUNTY OF CHAMPAIGN ) SS.

I, Cynthia Duden, certify that I am the duly appointed and acting municipal clerk of the Village of Gifford, Champaign County, Illinois.

I further certify that on June 5, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 288 entitled:

AN ORDINANCE REVISING THE RULES AND REGULATIONS OF THE MUNICIPAL WATERWORKS SYSTEM OF THE VILLAGE OF GIFFORD, CHAMPAIGN COUNTY, ILLINOIS AND FIXING RATES AND CHARGES FOR WATER AND SERVICES FURNISHED BY SAID WATERWORKS SYSTEM AND REPEALING EXISTING ORDINANCES IN CONFLICT THEREWITH

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 288, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Municipal building, commencing on June 5, 2008, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Gifford, Illinois this 5<sup>th</sup> day of June, 2008.

Cynthia Duden  
Cynthia Duden, Village Clerk  
Village of Gifford, Illinois