

ORDINANCE NO. 97-2 (Special)

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ADOPTED BY THE  
BOARD OF TRUSTEES  
OF THE  
VILLAGE OF PESOTUM  
THIS  
6th DAY OF August, 1997

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PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF PESOTUM, ILLINOIS,  
THIS 6th DAY OF August, 1997.

CERTIFIED BY THE UNDERSIGNED CLERK OF THE VILLAGE OF PESOTUM,  
ILLINOIS THIS DATE.

/s/ Jay A. Bullock  
CLERK

(SEAL)

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AN ORDINANCE providing for the regulation and operation of the municipal waterworks system of the Village of Pesotum, Champaign County, Illinois, and fixing rates and charges for water and water services furnished by said waterworks system, and to provide an effective means for protecting the public water supply system from contamination due to back flow of contaminants through the customer water service connection into the public water system.

WHEREAS, the Village of Pesotum, Champaign County, Illinois, has heretofore by proceedings had in manner and form provided by law, been authorized to construct a complete waterworks system in and for said Village and issue Water Revenue Bonds therefor, all in accordance with the provisions of Article 78 of "An Act concerning cities, villages, and incorporated towns, and to repeal certain Acts herein named," effective January 1, 1942, and all laws amendatory thereof and supplemental thereto;

WHEREAS, pursuant to the terms of the Act above referred to and the ordinance heretofore passed providing for the construction of said waterworks system, and the issuance of water revenue bonds to defray a part of the cost of the construction of said waterworks system, it is necessary that the Village provide for the regulation and operation of such waterworks system, and establish rates and charges for water and water services furnished by such waterworks system;

WHEREAS, the Village of Pesotum has determined that it is in the best interests of the Village and its citizens that the waterworks ordinance should be amended in order to increase rates which will more accurately reflect the costs and expenses of operating a waterworks system, and include incorporation into that ordinance of the provisions of the cross-connection ordinance required under Illinois law, and as previously enacted by the Village of Pesotum under Ordinance 87-1(Special) on October 7, 1987, and to otherwise create a more comprehensive and suitable ordinance for the operation of the Village's waterworks system;

WHEREAS, Rule 890.1130 of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.1130, requires protection of the potable water system from contamination due to backflow or backsiphonage of contaminants through the water service connection;

WHEREAS, the Illinois Environmental Protection Agency regulations, 35 Ill. Adm. Code 863.801, et seq. requires an active program for cross-connection control which will prevent the contamination of all potable water supply systems; and

WHEREAS, in order to accomplish these goals, it is necessary to promulgate regulations that describe in detail specific procedures and requirements for cross-connection control;

NOW THEREFORE, Be it Ordained by the President and Board of Trustees of the Village of Pesotum, Champaign County, Illinois, that the Village waterworks system and cross connection ordinances be amended to state as follows:

Section 1. There is hereby established an executive department of the Village of Pesotum, Champaign County, Illinois, to be known as the "Water Department," and the President

Board of Trustees are hereby authorized to create by ordinance a Board of Water Commissioners to have general control and supervision of the Water Department, and the President and Board of Trustees are hereby authorized to appoint 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 President and Board of Trustees and the Board of Water Commissioners if, as and when created.

Section 2. No water shall be turned on for use on or in any premises until an application therefor in writing has been made for that purpose and filed with the Village Clerk of said Village, stating the purpose for which the water is to be used. If the applicant is not the owner in fee simple of the recorded title to the property where the applicant desires the water to be turned on, he shall deposit with his application the sum of Fifty Dollars (\$50.00) before any water is turned on. Such deposit shall be held by the Village of Pesotum as security for the payment of water used by the applicant and may be so applied when any default is made in payment of a water bill.

Section 3. 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, shut-off box, public fountain, valve, meter, 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 One Hundred (\$100.00) or more than Five-Hundred (\$500.00) for each offense, and shall in addition be liable for the actual damage done or caused.

Section 4. In the event the Village of Pesotum has turned off the water supply at any fire hydrant or other location, any person, customer, corporation, business or other entity not duly authorized by the Village of Pesotum shall not turn water on at any such location or use any water therefrom. Any person, customer, corporation, business or other entity which turns water on at a fire hydrant or other location in violation hereof, shall be subject to a fine of not less than One Hundred (\$100.00) or more than Five-Hundred (\$500.00) Dollars per offense and shall also be liable for all actual damages done or caused by such actions, plus the value of all such water used or wasted, based on the rate schedules set forth in Section 6 of this Ordinance.

Section 5. All connections and water applied for hereunder, and all the water used hereunder, shall be upon the express condition that the Village of Pesotum shall not be liable, nor shall any claim be made against it for damages or injury caused by reason for the breaking of any main, branches, service pipes, apparatus or appurtenances connected with said system, or plant, any part or portion of said plant, or for any interruption of the supply by reason of the breakage machinery, or by reason of stoppage, alterations, extensions or renewals.

Section 6. The following shall be the rates for water supplied, payable monthly on the first day of each month:

0 - 2000 Gallons - \$8.00  
Over 2000 gallons - \$2.00 per 1,000 gallons or any part thereof

The Village reserves the right to make such reasonable changes in rates and in conditions herein established and to establish further rules and regulations from time to time as may be found expeditious, or necessary. The rates established herein shall be effective for water purchases commencing September 1, 1997, or such other date as the water meters are next read after that date.

Section 7. Bills for water service shall be rendered monthly and shall be delinquent ten days after their rendition, and in the event of failure to pay the bills within said ten days' period, an additional charge of ten percent (10%) shall be added to the bill. Any payments

by check which are returned for non-sufficient funds (NSF) shall be assessed a Twenty-Five Dollar (\$25.00) fee. Then, payment of the water bill, all late fees and the penalty fee shall be made in cash, cashier's check or money order. Water customers who have bills two (2) months past due shall have their water service turned off on the 10th of the month after the second month past due until the charges for services, and any late fees or other assessments are paid in full.

Section 8. Persons or corporations desiring to use Village water for building or construction purposes shall make application therefor in writing and file the same in the office of the Village Clerk on a form prescribed for that purpose. Upon a permit being granted (permits shall be issued in writing and signed by the Superintendent of the Waterworks), the service pipe shall be carried at the expense of the applicant to the inside of the curb line, where a service cock and meter shall be placed, with pipe leading to the surface, and a faucet placed at the end thereof above said surface. When the building or construction work is completed, the faucet and meter shall be removed and the water shut off, unless permanent connection hereunder is made. The charge for the use, installation and connection of a residential size water meter shall be One Hundred Seventy-Five Dollars (\$175.00) or as prescribed hereafter by the Board President and Board of Trustees, and it shall be placed at a location as reasonably determined by the Superintendent of the Water Department..

Section 9. The following rules and regulations for the consumers of water and plumbers are hereby adopted and established:

1. No water shall be furnished or supplied to any consumer for any purpose whatever, until such consumer shall make application therefor. Such application shall state the location of the premises to be served and the use to which the water will be put.

2. No water consumer may supply water to other families or allow them to take it, except for use of 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,

isions, or attachments without a written permit therefor to be issued by the Superintendent of the Water Department.

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 fire; and for restricting the use of the water 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 water for repairing, laying or relaying mains, hydrants or 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 owner or plumber shall be permitted to conduct water pipes into any two distinct premises or tenements unless separate and distinct stop-cocks shall be placed on the outside of such premises along the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises.

5. Any person who shall violate any of the rules and regulations provided for in this Section 9 respecting the regulations for consumers of water and plumbers shall, upon conviction, in addition to the enforcement of the forfeiture and liabilities therein contained, pay a fine of not less than One Hundred (\$100.00) or more than Five-Hundred (\$500.00) Dollars.

Section 10. For violation of any of the foregoing rules or for the non-payment of water bills, the Village reserves the right to turn off the water without notice and to retain for its use any payments made; and after the water has been turned off from any service pipe on account of non-payment of water bills, or violation of rules, it will not be turned on until all delinquent bills and late charges and assessments are paid in full, together with expense of turning on such water, pursuant to the following schedule:

1. Turning on during normal working hours,  
8:00 a.m. to 5:00 p.m., Monday through  
Friday: \$ 25.00

2. Turning on before or after normal working hours, weekends and holidays: \$ 50.00

Water will not be furnished to any person who is indebted to the Village on account of water consumed, material or repair, late charges or assessments.

Section 11. The right is reserved to suspend the use of lawn fountains and hose for sprinkling lawns and gardens, whenever in the opinion of the President and Board of Trustees public exigencies require it.

Section 12. This ordinance after its passage and approval, shall become effective immediately and the same shall be posted in three of the most prominent places in said Village there being no newspaper published in the Village.

Section 13. That, if in accordance with the Illinois Plumbing Code or in the judgment of the Water Superintendent of the Village of Pesotum, an approved backflow prevention device is necessary for the safety of the public water supply system, the Water Superintendent will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations.

Section 14. That no person, firm or corporation shall establish or permit to be established or maintain a permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Pesotum enters the supply or distribution system of the Village of Pesotum, unless such private, auxiliary or emergency water supply and method and use of such supply shall have been approved by the Water Superintendent and the Illinois Environmental Protection Agency.

Section 15. That it shall be the duty of the Water Superintendent to cause surveys and investigations to be made of the properties served by the public water supply to determine



her actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years or more often as the Water Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

Section 16. That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Pesotum for the purpose of verifying the presence or absence of cross-connections, and the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Pesotum for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner(s), lessee(s) or occupant(s) of any property so served shall furnish to the Water Superintendent any information which may be requested regarding the ing system or systems or water use on the subject property. The refusal to supply such information, when demanded, shall, within the discretion of the Water Superintendent, be deemed evidence of the presence of improper connections as provided in this ordinance.

Section 17. That the Water Superintendent of the Village of Pesotum is hereby authorized and directed to discontinue, after reasonable notice to the owner(s), lessee(s) or occupant(s) thereof, the water service to any property wherein any connection in violation to the provisions of the ordinance is known to exist, and to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee as provided for in Section 10 is paid to the Village of Pesotum. Immediate disconnection upon verbal notice from the Water Superintendent or his designated agent can be effected when the Water Superintendent believes that imminent danger of harmful contamination

public water supply system exists. Such action shall be followed by written notification of the reason for disconnection to the owner(s), lessee(s) or occupant(s).

Section 18. That the owner(s), lessee(s) or occupant(s) responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall be required to pay the costs of cleaning the potable water supply system.

This ordinance shall be effective 10 days after its passage and approval.

ADOPTED THIS 6th day of August, 1997, by the President and Board of Trustees of the Village of Pesotum, Illinois.

Ayes:

Nays:

Tim Lecher  
Sandra Menckey  
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Steve Schaefer  
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(SEAL)

15/ Jay A. Bullock  
Village Clerk

APPROVED this 6th day of August, 1997.

15/ Joseph M. Lecha  
Village President

ATTEST:

Jay A. Bullock  
Village Clerk  
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VILLAGE OF PESOTUM

ORDINANCE NO. 97-2 (special)

Published in pamphlet form the 6th day of

August

1997.

/s/ Guy A. Bullock  
Village Clerk