

Chapter 300

WATER

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 8-19-2002 by Ord. No. 021908 (Title 5, Ch. 4, of the 1993 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing Code and Building Code — See Ch. 124, Arts. III and VII.

Sewers — See Ch. 240.

Streets and sidewalk excavations — See Ch. 265.

ARTICLE I Connections

§ 300-1. Service connection permit and fee. [Amended 3-11-2013 by Ord. No. V131103C]

- A. No connection with the Village waterworks system shall be made without a permit issued by the Village Building Inspector and a hookup fee of \$400.
- B. A licensed plumber under the supervision of the Building Inspector or Plumbing Inspector shall make all such connections, and no such connections shall be covered until the work has been inspected to the satisfaction of the Building Inspector and/or Plumbing Inspector.

§ 300-2. Connections required. [Amended 3-11-2013 by Ord. No. V131103C]

- A. The owner, occupant or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building or structure of any other character which uses water and is located on property within the corporate limits shall cause such house, structure, factory, industrial or commercial establishment or any other building or structure of any other character to be connected with the waterworks system within five years from the date that water facilities become available to such property. Connections shall be required, provided that the property line on which the said structure is located is within 200 feet of the water main.
- B. Subdivisions. The developer of subdivisions, be they residential, commercial or industrial, located on property within the corporate limits shall be required to install water mains, branches, service piping, hydrants, miscellaneous valves, stop boxes, apparatus and appurtenances according to the applicable sections of the Illinois Plumbing Code and AWWA specifications as reviewed and approved by the Village of Port Byron.

§ 300-3. Application for water service; turn-on fee; deposit. [Amended 3-11-2013 by Ord. No. V131103C]

A. Application.

- (1) No water from the Village waterworks system shall be turned on for any service into any premises by any person except Village of Port Byron Public Works employees.
- (2) Application to have water turned on shall be made in writing to the Village of Port Byron and shall contain an agreement by the applicant to abide by and accept all provisions of this chapter as conditions governing the use and service of the waterworks system by the applicant.

B. Renters shall pay a seventy-five-dollar deposit fee before service is turned on.

§ 300-4. Water service installation.

All service pipes and laterals from the waterworks system (water mains) to the premises served shall be installed by a licensed plumber at the expense of the owner of the property or the applicant for the service. Such installation shall be under the inspection of the Building Inspector.

§ 300-5. Repairs to system.

All repairs for service pipes and laterals from the waterworks system (water mains) to the stop box shall be made by and at the expense of the property owner(s) of the premises served. The Village may, in case of an emergency, repair any service pipes, and if this is done, the owner of the premises served shall repay such repair work to the Village.

§ 300-6. Crossing-connections.

- A. If in accordance with the Illinois Plumbing Code or in the judgment of the Village of Port Byron Public Works Supervisor an approved backflow prevention device is necessary for the safety of the public water supply system, the Village of Port Byron Public Works Supervisor will give notice to the water customer to 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.
- B. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby private, auxiliary or emergency water supply other than the regular public water supply of the Village of Port Byron enters the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village of Port Byron Public Works Supervisor and the Illinois Environmental Protection Agency.
- C. It shall be the duty of the Village of Port Byron Public Works Supervisor to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether 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 as often as the Village of Port Byron Public Works Supervisor shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

- D. 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 for the purpose of verifying the presence or absence of cross-connections, and the Village of Port Byron Public Works Supervisor or one of his authorized employees shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the Village of Port Byron Public Works Supervisor any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Village of Port Byron Public Works Supervisor, be deemed evidence of the presence of improper connections as provided in this section.
- E. The Village of Port Byron Public Works Supervisor is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem 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 section and until a reconnection fee of \$50 is paid to the Village of Port Byron. Immediate disconnection with verbal notice can be effected when the Village of Port Byron Public Works Supervisor is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. The shutoff/hookup fee shall be \$50 per incident.
- F. The consumer 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 which has been bypassed, must bear the cost of cleanup of the potable water supply system.

§ 300-7. Water service pipe.

- A. All water services used or laid on Village of Port Byron property shall be of K copper construction.
- B. At no time will plastic or galvanized pipe be used, regardless of who is laying said pipe.

§ 300-8. Compliance with plumbing regulations.

No water shall be turned on for service in any premises in which the plumbing does not comply with the ordinances of the Village of Port Byron, provided that the water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter.

§ 300-9. Excavations for connections.

Excavations for installing service pipes and laterals or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets, provided that it shall be unlawful to place any service pipe in the same excavation with or directly over any drainpipe or sewer lateral.

§ 300-10. Shutoff boxes.

Shutoff boxes or service boxes (furnished by Village of Port Byron) shall be placed on every service pipe and shall be located between the curblin and the sidewalk line where this is practicable. (Noncurb nonsidewalk conditions) Such boxes shall be so located that they are easily accessible and shall be protected from frost.

§ 300-11. Water service to more than one premises. ¹

No owner or plumber shall be permitted to connect water pipes into any two distinct premises or tenements unless separate and distinct stopcocks shall be placed on the outside of each such premises along with the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. In multiple-family dwellings, such as duplex flats, double houses, and apartment houses, each unit of the multiple-family dwelling is considered as a premises. "Premises" shall be construed to cover all buildings and divisions under one common roof owned by one party, who will be charged for all services to such premises.

ARTICLE II
Use of Public Water Service

§ 300-12. Meters required.

- A. All premises using the Village of Port Byron water supply must be equipped with an adequate one-hundred-gallon water meter. In multiple-family dwellings, each premises (unit) shall be equipped with a water meter (billed individually). Each family unit shall be controlled by an arrangement of shutoff valves which permits each group of fixtures and each individual fixture to be shut off without interference with the water supply to any other family unit or portion of the building. The location of such valves shall be uniform in each family unit of a multiple-family dwelling.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- B. All meters placed in service on any premises using the Village of Port Byron water supply will be provided and owned by the Village of Port Byron Water Department, which retains the right to inspect, repair and replace them upon reasonable notice to the owner of the premises.
- C. Deposits.
 - (1) When a meter owned by the Village of Port Byron is placed in service as a replacement for a privately owned meter, the property owner or other person receiving such service shall make a deposit as herein provided, unless the privately owned meter is received in exchange by the Village of Port Byron Water Department.
 - (2) The following deposits are hereby established, based on the connection diameter:

| Inlet/Outlet Diameter (inches) | Deposit Required |
|---|-------------------------|
| 1 | \$85 |
| 1-1/4 | \$125 |
| 1-1/2 | \$150 |
| 2 | \$175 |
| Over 2 | \$200 |

- (3) The money received from these deposits, and all other deposits except those deposits made as payments for future water service received by the Village of Port Byron Water Department, shall be placed in a revolving fund for the purchase and maintenance of water meters.
- (4) Refund of the water meter deposit shall be made to the owners of the premises only if said premises are destroyed or no longer needed and the Village of Port Byron owned meter is returned in good condition.

§ 300-13. Installation of second meter.

All residents and owners of property located within the Village of Port Byron who are connected to the Village of Port Byron water supply system shall have the option of installing a second water meter at their residence and other owned property.

- A. Said meter, if installed, shall only be used to measure water usage outside the residence and other owned property and shall be used to measure the specific water usage on a separate line, which shall be installed outside of or external from the residence or other owned property.
- B. Said meter shall be purchased from the Village of Port Byron, who shall supply same at a reasonable cost to such residents and owners.

- C. Said meter shall be installed by a plumber duly licensed by the State of Illinois. However, an occupant-owner in the Village of Port Byron may install the meter on his property.
- D. Upon completion of the installation of the meter, the Village Water Superintendent shall be notified and shall inspect the same and notify resident or owner if same is properly installed. If not, no water shall be supplied by the Village to the external line until the Village Water Superintendent approves said installation.
- E. The remote water meter, if installed as aforementioned, will be subject to current charges in effect without sewer charges from April 1 through October 31 of each year. Notification of nonuse in the fall will be the responsibility of the user.
- F. Users not connected to the Port Byron water system will not be required to buy a meter but may use a dedicated line for nonsewered use. Installation of a second meter or dedicated line may be denied by the Water Superintendent for any reason. Any cross-connection, bypass or other fraudulent use to avoid sewer charges will result in sewer charges for all usage if metered or estimate for the entire time installation is used. A one-hundred-dollar hookup or disconnect fee, as appropriate, will be charged for all second meter installations.

§ 300-14. Resale of water; unauthorized use.

No water supplied by the waterworks system of the Village of Port Byron shall be resold by any user. No water user may supply water to other families or allow them to take it, except for the use on the premises and for the purpose specified in such user's approved application; not 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 work upon the premises for alterations, repairs, extensions or attachments without written permit therefor. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user or the premises, or both.

§ 300-15. Requirements and restrictions relating to meters.

- A. Installation. Meters shall be installed in a location that will provide easy access thereto.
- B. Reading meters. The Village of Port Byron Public Works Supervisor or his designated representative shall read or cause to be read every water meter used in the Village of Port Byron at such times as are necessary so that bills may be sent out at the proper times.
- C. Required for new construction. Any house or building constructed within the Village of Port Byron or constructed outside of the Village of Port Byron and using Village of Port Byron water must have installed a meter that will service each individual user located upon any newly constructed property.

**ARTICLE III
Liability**

§ 300-16. Service failures.

All waterworks service supplied by the waterworks system shall be upon the express condition that the Village of Port Byron shall not be liable nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with the said system or any part or portion thereof, or for any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

§ 300-17. Service interruption.

The Village of Port Byron 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 of Port Byron in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claim shall be made against the Village of Port Byron 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 concentrated or restricted use of water as above.

ARTICLE IV
Protection of Waterworks

§ 300-18. Tampering with system.²

It shall be unlawful for any person not authorized by the Village of Port Byron Board of Trustees to tamper with, alter, destroy or injure any part of the Village of Port Byron waterworks or supply system, or any meter.

ARTICLE V
Inspection

§ 300-19. Right of access for use inspection.

The Village of Port Byron and its employees and the Illinois Environmental Protection Agency shall have ready access at all reasonable times to the premises, places or buildings where water service is supplied for the purpose of inspecting, examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with, prevent or obstruct the Village of Port Byron or its duly authorized agent or the Illinois Environmental Protection Agency in its duties hereunder. Every user of the system shall take the same upon the conditions prescribed in this section.

ARTICLE VI
Powers and Authority of Inspectors

§ 300-20. Authorization to enter properties; inspections.

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

The Village of Port Byron Public Works Supervisor and other duly authorized employees of the Village of Port Byron and the Illinois 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 chapter. The Village of Port Byron Public Works Supervisor or 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.

ARTICLE VII

Penalties

§ 300-21. Violations and penalties.

- A. Any person found to be violating any provision of this chapter, except Article IV, shall be served by the Village of Port Byron with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. The offender shall, within the period of time stated in such notice, permanently cease all violations.

ARTICLE VIII

Water Service Charges

§ 300-22. Basis for water service charges.

- A. The water service charge for the use of and for service supplied by the water facilities of the Village of Port Byron shall consist of a minimum charge to cover the basic user charge (system operating, maintenance and replacement) plus debt service charge.
- B. The basic user charge is levied on all users to recover the operation, maintenance and replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:
 - (1) Determine the number of customers.
 - (2) Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.
 - (3) Compute the costs per user by dividing the amount determined by Subsection B(2) by the number of customers in Subsection B(1).
- C. The debt service charge is computed by apportioning the annual debt service as a charge per user.
- D. The adequacy of the water service charge shall be reviewed not less often than annually by certified public accountants for the Village of Port Byron in their

annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

- E. Measurement of flow. The volume of flow used for computing basic user charges shall be the metered water consumption read to the lowest even increments of 100 gallons.
- (1) If the person procures any part or all of his water from sources other than the Village of Port Byron Waterworks System, the person shall install and maintain, at his expense, water meters of a type approved by the Village of Port Byron for determining the volume of water obtained from these other sources.
 - (2) Devices for measuring the volume of water may be required by the Village of Port Byron if these volumes cannot otherwise be determined from the metered water consumption records.
 - (3) Metering devices for determining the volume 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 Village of Port Byron.

§ 300-23. Rates.³

- A. A minimum charge of \$27 monthly shall be applied to all users whose water consumption does not exceed 2,500 gallons monthly. Usage in excess of 2,500 gallons monthly will be charged at a rate of \$2.50 per 500 gallons.
- B. All nonmetered residential users of the water facilities shall pay a flat rate charge of \$27/month. The flat rate charge will allow a maximum of 2,500 gallons monthly. In the event use of the water facilities is determined by the Village of Port Byron to be in excess of 2,500 gallons monthly, the Village of Port Byron will require such flat rate user to install metering devices on the water supply to measure the amount of service supplied.

§ 300-24. Computation of water service charge.

The water service charge shall be computed by the following formula:

$$CW - CD + CM + (Vu-X) * CU$$

Where:

CW = Amount of water service charge (\$) per billing period

CD = Debt service charge

CM = Minimum charge for operation, maintenance and replacement (§ 300-22).

Vu = Water volume for the billing period

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- X = Allowable consumption in gallons for the minimum charge (§ 300-22)
- CU = Basic user charge for operation, maintenance and replacement (§ 300-22)

§ 300-25. Bills. [Amended 8-11-2003 by Ord. No. 031108F; 4-2-2012 by Ord. No. V120204A]

Said rates of charges for service shall be payable monthly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the Village of Port Byron only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable to the Village of Port Byron.

- A. Bills for service shall be sent out by the Village of Port Byron Water Clerk on the 10th day of each month.
- B. All bills are due and payable by the fifth day of the following month. A penalty of 10% shall be added to all bills not paid by the fifth day of the following month, and such penalty shall be added to the next bill.
- C. Shutoff notices will be sent out to occupants of the premises on the fifth day of the third month following. Water services will be terminated on the 20th day of the month following the shutoff notice.
- D. Example of billing procedure:

| | |
|---------------------|---|
| 10th day of month 1 | Monthly bills will be sent out |
| 5th day of month 2 | Bills are payable in full |
| 10th day of month 2 | New monthly bill is sent out with penalty of 10% added to any portion not paid by the 5th of the month. |
| 5th day of month 3 | Shutoff notices are sent |
| 20th day of month 3 | Water services are terminated |

§ 300-26. Delinquent bills. [Amended 4-2-2012 by Ord. No. V120204A]

If the charges for such services are not paid within 15 days of the shutoff notice mailing, such services shall be discontinued.

§ 300-27. Lien notice of delinquency. [Amended 4-2-2012 by Ord. No. V120204A]

Whenever a bill for service has been rendered and remains unpaid for 90 days, the Village of Port Byron Attorney 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 of Port Byron claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

- A. If the user whose bill is unpaid is not the owner of the premises and the Village of Port Byron Water Clerk has notice of this, notice shall be mailed to the owner of the premises whenever a bill for services remains unpaid for a period of 45 days for the monthly billing.
- B. The failure of the Village of Port Byron Water Clerk 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.

§ 300-28. Foreclosure of lien. [Amended 4-2-2012 by Ord. No. V120204A]

Property subject to lien for unpaid charges may be sold for nonpayment 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 of Port Byron. The Village of Port Byron Attorney is hereby authorized and directed to institute such proceedings in the name of the Village of Port Byron in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 60 days, in the case of monthly billing, after it has been rendered.

§ 300-29. Revenues.

All revenues and moneys derived from the operations of the water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village of Port Byron Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village of Port Byron Treasurer not more than 10 days after receipt of same or at such more frequent intervals as may be from time to time be directed by the President and Board of Trustees.

§ 300-30. Accounts.

- A. The Village of Port Byron Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.
- B. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:
 - (1) Flow data showing total gallons received at the water plant for the current fiscal year.
 - (2) Billing data to show total number of gallons billed per fiscal year.
 - (3) Debt service for the next succeeding fiscal year.
 - (4) Number of users connected to the system.

(5) Number of nonmetered users.

§ 300-31. Violations and penalties. ⁴

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$100 or more than \$750 for each offense.

§ 300-32. 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 of Port Byron which are applicable to the Village of Port Byron system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the existing (special and general conditions to any Illinois EPA loan agreements and rules).

§ 300-33. Appeals.

The method for computation of rates and service charges established for user charges in §§ 300-22 through 300-24 shall be made available to a user within 15 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village of Port Byron Public Works Supervisor within 30 days after notification of a formal written appeal outlining the discrepancies.

ARTICLE IX
Definitions

§ 300-34. Terms defined. ⁵

Word usage: "Shall" is mandatory; "may" is permissible. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

BASIC USER CHARGE — The basic assessment levied on all users of the public water system.

CAPITAL IMPROVEMENT CHARGE — A charge levied on users to improve, extend or reconstruct the waterworks.

CURB COCK — A shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water supply lines of a building. Also called "curb stop."

DEBT SERVICE CHARGE — The amount to be paid each billing period for payment of interest principal and coverage of (loan, bond, etc.) outstanding.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁵. Editor's Note: This section was amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI) to repeal definitions of the following terms: "administrator," "approving authority," "director," "easement," "federal act," "milligrams per liter," "pH," "PPM," "state act," "state loan."

LOCAL CAPITAL COST CHARGE — Charges for costs other than the operation, maintenance and replacement costs, i.e., debt service and capital improvement costs.

ORDINANCE — This chapter.

PERSON — 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.

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes "replacement."

SERVICE BOX — A valve box used with corporation or curb cock.

USEFUL LIFE — The estimated period during which the waterworks will be operated.

USER CHARGE — A charge levied on users of waterworks for the cost of operation, maintenance and replacement.

VILLAGE — The Village of Port Byron.

WATER FUND — The principal accounting designation for all revenues received in the operation of the water system.

WATER SERVICE CHARGE — The charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Article VIII of this chapter and shall consist of the total of the basic user charge and the local capital cost, if applicable.