

## Chapter 240

### SEWERS AND SEWAGE DISPOSAL

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 7-13-2009 by Ord. No. V091307A (Title 5, Ch. 5, of the 1993 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Plumbing and Building Codes — See Ch. 124, Art. III and VII.  
Water — See Ch. 300.

#### ARTICLE I Sewer Use

##### **§ 240-1. Use of public sewers required.**

- A. 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 Port Byron, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Village of Port Byron, 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 chapter.
- C. 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.
- D. The owner of all the 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 (or combined) 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 chapter within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

##### **§ 240-2. Private sewage disposal.**

- A. Where a public sanitary (or combined) sewer is not available under the provisions of § 240-1D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Rock Island County Health Department (RICHD). The application for such a permit shall be made on a form furnished by the Rock Island County Health Department (reference Appendix 2), which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the RICHD. A permit and inspection fee of \$175 shall be paid to the RICHD at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the RICHD. The Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the RICHD 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 RICHD.
- D. 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 (225 ILCS 225/1 et seq.) 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 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 240-1D, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. 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.
- G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Environmental Health Director.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**§ 240-3. Building sewers and connections.**

- A. 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 Board.
- B. 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.

- C. There shall be two classes of building sewer permits: 1) for residential wastewater service and 2) for commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village (reference Appendix 2<sup>1</sup>). The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board. A permit and inspection fee as set by the Board of Trustees from time to time 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.<sup>2</sup>
- D. 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.
- E. All costs and expenses 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.
- F. 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.
- G. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this chapter.
- H. 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 Codes or other applicable rules and regulations of the Village. In absence of code provisions or in amplification thereof, the materials and 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" shall apply.
- I. 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 Subsection B of this section and discharged to the building sewer.

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<sup>1</sup>. Editor's Note: Appendix 2, Applications for Sewer Permits, is attached to this chapter.

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

- J. 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.
- K. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes, 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 Board before installation.
- L. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board or its representative.
- M. 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.

**§ 240-4. Use of public sewers.**

- A. 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.
- B. 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 Board. Industrial cooling water or unpolluted process waters may be discharged on approval of the Board, to a storm sewer, combined sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (2) Any water 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.
  - (3) 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.

- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with 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, cup, milk containers, etc., either whole or ground by garbage grinders.

D. 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 Board that such wastes can harm either the sewer's 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 Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- (2) Any waters or wastes containing toxic or poisonous materials; oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (65° C.).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- (5) 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 Board for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Board 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.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable state or federal regulations.
- (8) Any wastes or waters having a pH in excess of 9.5.

- (9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Board in compliance with applicable state and federal regulations.
  - (10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Board in compliance with applicable state and federal regulations.
  - (11) Materials which exert or cause:
    - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
    - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
    - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
    - (d) Unusual volume of flow or concentrations of water constituting "slugs" as defined herein.
  - (12) 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.
- E. 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 Subsection D of this section and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, and any amendments thereto, and which in the judgment of the Board 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 Board may:<sup>3</sup>
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates of discharge; and/or
  - (4) 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 Subsection K of this section. If the Board 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 Board and subject to the requirements of all applicable codes, ordinances and laws.

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

- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Board, 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 Board and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. 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.
- H. Each industry shall be required to install a control manhole and, when required by the Board, 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 Board. 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.
- I. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of water and wastes to illustrate compliance with this chapter 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 analyses by an outside laboratory service.
- J. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of the IEPA Division of Laboratories Manual of Laboratory Methods and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a

grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

- K. 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 therefor in accordance with §§ 240-8, 240-9 and 240-10 hereof by the industrial concern, provided such payments are in accordance with federal and state guidelines for user charge system.

**§ 240-5. Protection of sewage works from damage.**

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.

**§ 240-6. Powers and authority of inspectors.**

- A. The Board and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Board or its 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.
- B. While performing the necessary work on private properties referred to in Subsection A above, the Board or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States 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 liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain conditions as required in § 240-4I.
- C. The Board 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.

**§ 240-7. Violations and penalties.**

- A. Any person found to be violating any provisions of this chapter except § 240-5 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 chapter.
- B. Any person violating any provision of this chapter shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code. Each day in which any such violation shall continue shall be deemed a separate offense.<sup>4</sup>
- C. Any person violating any of the provisions of this chapter shall become liable to the Village by reasons of such violation.

ARTICLE II  
**Wastewater Service Charges**

**§ 240-8. Basis for wastewater service charges.**

- A. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.
- B. Basic user charge.
  - (1) The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:
    - (a) A five-day, 20° C. biochemical oxygen demand (BOD) of 220 mg/l.
    - (b) A suspended solids (SS) content of 240 mg/l.
  - (2) The basic user charge shall be computed as follows:
    - (a) Estimate the annual wastewater volume, pounds of BOD and pounds of SS to be treated.
    - (b) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.
    - (c) Proportion the estimated O, M & R costs to each user class by volume, BOD and SS.

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

- (d) Proportion the estimated O, M & R costs to wastewater facility categories by volume, BOD and SS.
  - (e) Compute costs per 1,000 gallons for normal domestic strength sewage.
  - (f) Compute surcharge costs per pound for BOD and SS concentrations in excess of normal domestic strengths.
- C. The debt service charge is computed by apportioning the annual debt service (as a charge per 1,000 gallons.) (as a fixed charge per billing period.) (as a fixed charge plus a charge per 1,000 gallons.)
- D. The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued (as a charge per 1,000 gallons.) (as a fixed charge per billing period.) (as a fixed charge plus a charge per 1,000 gallons.)
- E. Surcharge.
  - (1) A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (220 mg/l) and SS (240 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the 220 mg/l and 240 mg/l concentrations for BOD and SS, respectively.
  - (2) 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 Board and shall be binding as a basis for surcharges.
- F. The adequacy of the wastewater service charge shall be reviewed not less often than annually by certified public accountants for the Village in the annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.
- G. The users of the wastewater treatment services will be notified annually in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.
- H. Measurement of flow. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1.0 gallon.
  - (1) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Board for the purpose of determining the volume of water obtained from these other sources.

- (2) Devices for measuring the volume of waste discharged may be required by the Board if these volumes cannot otherwise be determined from the metered water consumption records.
- (3) 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 Board.

**§ 240-9. Rates and charges.**

- A. Basic user charge. There shall be and there is hereby established a basic user charge of \$12.32 per 2,000 gallons of metered water consumption to be applied to all users to recover O, M & R costs.
- B. Debt service charge. There shall be and there is hereby established a debt service charge of \$17.89 per (2,000 gallons/month) to each user of the wastewater facility.
- C. Capital improvement charge. There shall be and there is hereby established a capital improvement charge of \$1.79 per (2,000 gallons/month) to each user of the wastewater facility.
- D. Rates.
  - (1) A minimum charge of \$32 per (month) shall be applied to all users whose water consumption does not exceed 2,000 gallons per (month). This minimum charge consists of \$12.32 for O, M & R costs, \$17.89 for debt service costs and \$1.79 for capital improvement costs.
  - (2) Usage in excess of 2,000 gallons per (month) will be charged at a rate of \$3.50 per 1,000 gallons. This rate consists of \$1.35 for O, M & R costs, \$1.96 for debt service costs and \$0.19 for capital improvement costs.
- E. Surcharge rates. The rates of surcharges for BOD and SS shall be as negotiated by the Village prior to accepting nondomestic waste.

**§ 240-10. Computation of wastewater service charge.**

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

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

Where:

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

CC = Capital improvement charge (§ 240-9C)

CD = Debt service charge (§ 240-9B)

CM = Minimum charge for operation, maintenance and replacement (§ 240-9D)

Vu = Wastewater volume for the billing period

- X = Allowable consumption in gallons for the minimum charge (§ 240-9D)
- CU = Basic user charge for operation, maintenance and replacement (§ 240-9A)
- CS = Surcharges, if applicable (§ 240-9E)

**§ 240-11. Bills.** [Amended 4-2-2012 by Ord. No. V120204B]

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

- A. Bills for service shall be sent out by the Village of Port Byron Sewer Clerk on the 10th day of each month.
- B. Delinquent bills. 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. If the charges for such services are not paid within 15 days of the shut off notice mailing, such services shall be discontinued.
- C. Billing schedule. 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	Notification that lien will be initiated if no payment made
20th day of month 3	Property lien initiated

**§ 240-12. Lien notice of delinquency.** [Amended 4-2-2012 by Ord. No. V120204B]

Whenever a bill for service has been rendered and remains unpaid for 60 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 Sewer Clerk has notice of this, notice shall be mailed to the owner of the premises whenever a bill for services remains unpaid for the period of 60 days for the monthly billing.

- B. The failure of the Village of Port Byron Sewer 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.

**§ 240-13. Foreclosure of lien.** [Amended 4-2-2012 by Ord. No. V120204B]

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.

**§ 240-14. Revenues.**<sup>5</sup>

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 10 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 in the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq.

**§ 240-15. Accounts.**

- A. 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.
- B. 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 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.

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<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- (2) Billing data to show total number of gallons billed per fiscal year.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the system.
- (5) Number of non-metered users.
- (6) A list of users discharging nondomestic and industrial wastes and volume of waste discharged.

**§ 240-16. Violations and penalties.**

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$500 nor more than \$1,000 for each offense.

**§ 240-17. Access to records.**

The IEPA or its authorized representative shall have access to any books, documents, papers and records of Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions hereof to ensure compliance with the terms of the (special and general conditions to any state grant). (federal regulations and conditions of the federal grant). (loan agreement and rules of any state loan).

**§ 240-18. Effective date of rates.**

The rates and service charges established for user charges in §§ 240-8 through 240-10 shall be effective as of the next fiscal year beginning October 1, 2009, and on bills to be rendered for the next succeeding month, being November for monthly users.

**§ 240-19. Appeals.**

The method for computation of rates and service charges established for user charges in §§ 240-8 through 240-10 shall be made available to a user within 10 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 Board within 30 days after notification of a formal written appeal outlining the discrepancies.

**ARTICLE III  
Definitions**

**§ 240-20. Word usage; specific terms defined.**

Word usage: "Shall" is mandatory; "may" is permissive. Definitions: As used in this chapter, the following terms shall have the meanings indicated in this section.

A. General definitions.

NPDES PERMIT — Any permit or equivalent document or requirements issued by the Administrator or, where appropriate, by the Director, after enactment of the Federal

Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

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.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

B. Federal government.

ADMINISTRATOR — The Administrator of the United States Environmental Protection Agency.

FEDERAL ACT — The Federal Clean Water Act (33 U.S.C. § 466 et seq.), as amended (Pub. L. 95-217).

FEDERAL GRANT — The United States 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.

C. State government.

DIRECTOR — The Director of the Illinois Environmental Protection Agency.

STATE ACT — The Illinois Anti-Pollution Bond Act of 1970 (30 ILCS 405/1 et seq.).

STATE GRANT — 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.

D. Local government.

APPROVING AUTHORITY — The Board of the Village of Port Byron.

ORDINANCE — This chapter.

VILLAGE — The Village of Port Byron.

E. Wastewater and its characteristics.

BOD (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

EFFLUENT CRITERIA — As defined in any applicable NPDES permit.

FLOATABLE OIL — 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.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

**INDUSTRIAL WASTE** — Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

**MAJOR CONTRIBUTING INDUSTRY** — 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 10% of the flow carried by the municipal system receiving the waste; or c) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or d) is found by the permit-issuant authority in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

**MILLIGRAMS PER LITER** — A unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milligrams 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.

**pH** — The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

**POPULATION EQUIVALENT** — 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 0.20 pounds of suspended solids.

**ppm** — Parts per million by weight.

**PROPERLY SHREDDED GARBAGE** — 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 1/2 inch (1.27 centimeters) in any dimension.

**SEWAGE** — Used interchangeably with "wastewater."

**SLUG** — 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 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.

**SUSPENDED SOLIDS (SS)** — Solids that either float on the surface of or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

**UNPOLLUTED WATER** — Water quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**WASTEWATER** — 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.

**WATER QUALITY STANDARDS** — As defined in the Water Pollution Regulations of Illinois.

F. Sewer types and appurtenances.

**BUILDING DRAIN** — 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 feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER** — A sewer which is designed and intended to receive wastewater, stormwater, surface water and groundwater drainage.

**EASEMENT** — An acquired legal right for the specific use of land owned by others.

**PUBLIC SEWER** — A sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the boundaries of the Village that serve one or more persons and ultimately discharge into the Village sanitary (or combined) sewer system, even though those sewers may not have been constructed with Village funds.

**SANITARY SEWER** — A sewer that conveys sewage or industrial wastes, or a combination of both, and into which stormwater, surface water and groundwaters or polluted industrial wastes are not intentionally admitted.

**SEWER** — A pipe or conduit for conveying sewage or any other waste liquids, including stormwater, surface water and groundwater drainage.

**SEWERAGE** — The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

**STORM SEWER** — A sewer that carries stormwater, surface water and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

**STORMWATER RUNOFF** — That portion of the precipitation that is drained into the sewers.

G. Treatment.

**PRETREATMENT** — The treatment of wastewaters from sources before introduction into the wastewater treatment works.

**WASTEWATER TREATMENT WORKS** — 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."

H. Watercourse and connections.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

I. User types.

**COMMERCIAL USER** — Includes transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

**CONTROL MANHOLE** — 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.

**INSTITUTIONAL/GOVERNMENTAL USER** — Includes schools, churches, penal institutions and users associated with federal, state and local governments.

**INDUSTRIAL USERS** — Includes establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

**RESIDENTIAL USER** — All dwelling units such as houses, mobile homes, apartments and permanent multifamily dwellings.

**USER CLASS** — The type of user, residential, institutional/governmental, commercial or industrial, as defined herein.

J. Types of charges.

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

**CAPITAL IMPROVEMENT CHARGE** — A charge levied on users to improve, extend or reconstruct the sewage treatment works.

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

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

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

**SURCHARGE** — 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 § 240-8.

**USEFUL LIFE** — The estimated period during which the collection system and/or treatment works will be operated.

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

**SEWERAGE FUND** — The principal accounting designation for all revenues received in the operation of the sewerage system.

**WASTEWATER SERVICE CHARGE** — The charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in §§ 240-8 through 240-10 and shall consist of the total of the basic user charge, the local capital cost and a surcharge, if applicable.